

***United States Court of Appeals  
for the  
District of Columbia Circuit***



**TRANSCRIPT OF  
RECORD**





261

JOINT APPENDIX

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20,188

F 49 1A

D. C. TRANSIT SYSTEM, INC.,

*Petitioner.*

v.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION,  
*Respondent.*

W. M. A. TRANSIT COMPANY,

*Intervenor.*

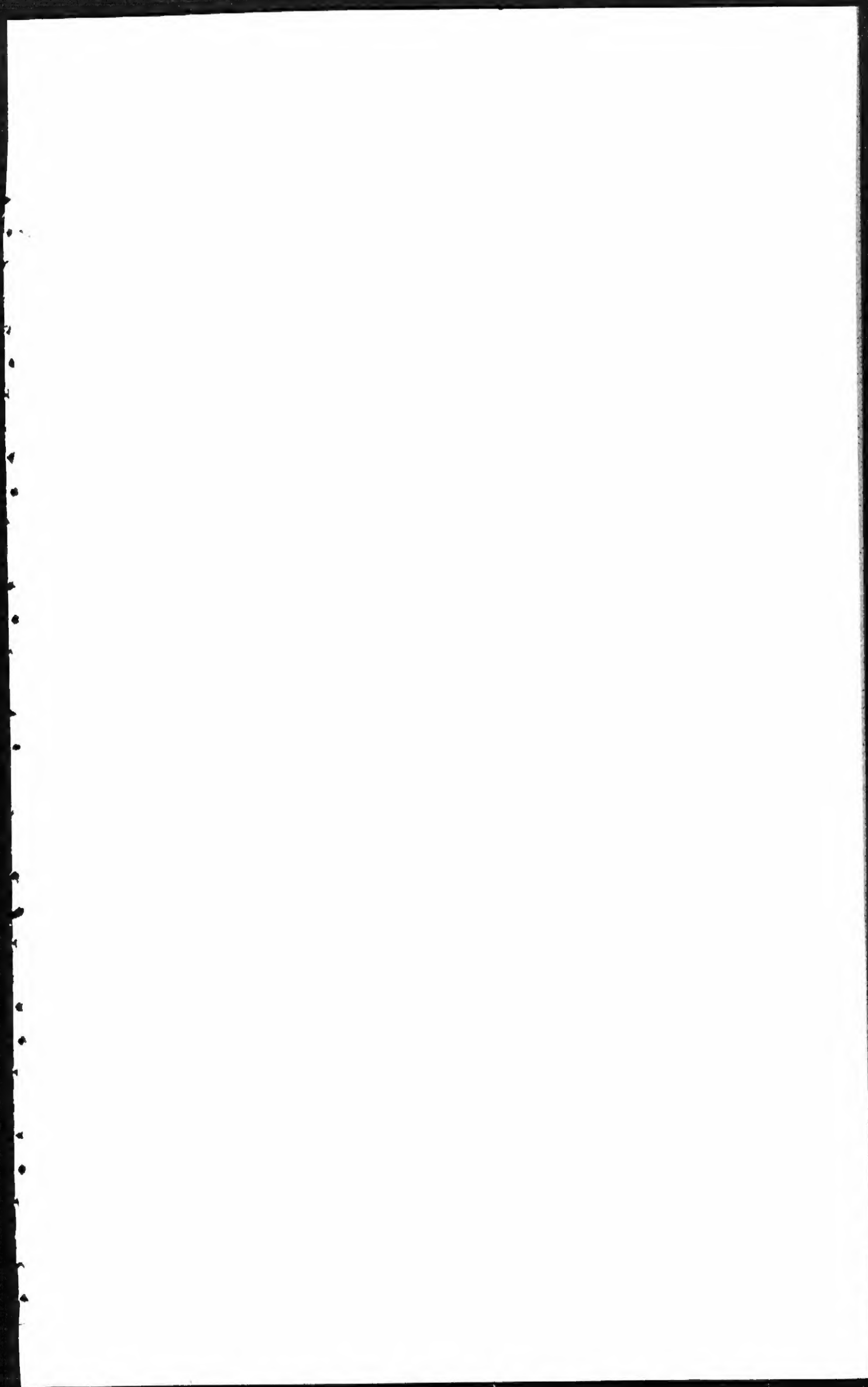
Appeal from Orders of the  
Washington Metropolitan Area Transit Commission

VOLUME I

United States Court of Appeals  
for the District of Columbia Circuit

FILED NOV 7 1966

*Nathan J. Paulson*  
CLERK



(i)

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# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 20,188

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D. C. TRANSIT SYSTEM, INC.,

*Petitioner.*

v.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION,  
*Respondent.*

W. M. A. TRANSIT COMPANY,

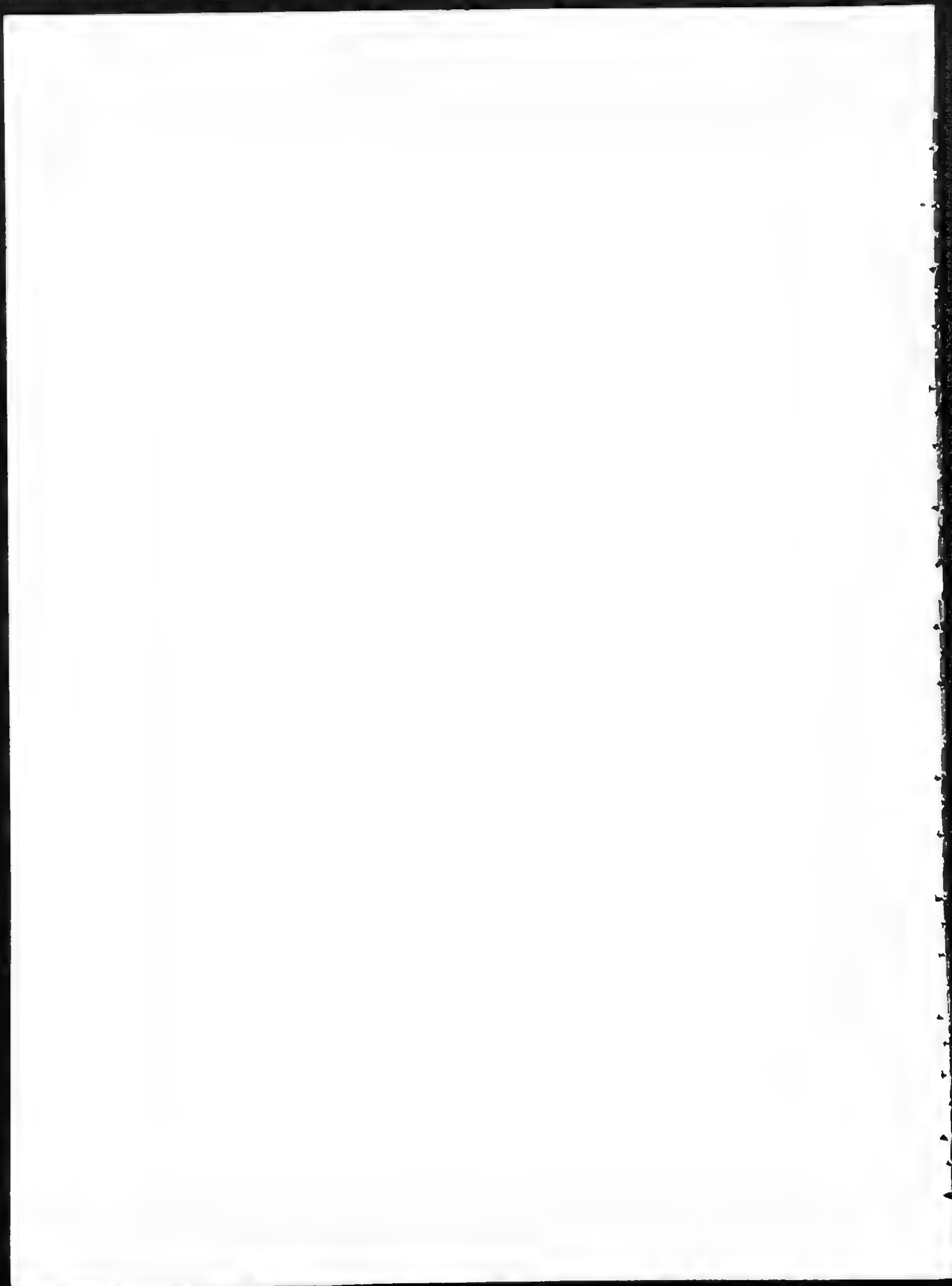
*Intervenor.*

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*Appeal from Orders of the  
Washington Metropolitan Area Transit Commission*

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JOINT APPENDIX



[Rec'd May 26, 1965]

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT  
COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 482

IN THE MATTER OF :

Served May 25, 1965

Docket No. 91

Order Instituting Investigation  
to Determine Whether WMA Transit  
Company and Alexandria, Barcroft,  
and Washington Transit Company,  
Inc., Should Extend Bus Routes in  
Washington, D. C.

The Commission has received requests for extension of the bus routes of WMA Transit Company and Alexandria, Barcroft, and Washington Transit Company, Inc., in Washington, D.C. Due to these requests, the Commission's Staff has made certain studies to determine whether such bus routes should be extended. The results of the studies appear to the Staff to indicate a public need for such extensions. Therefore, the Staff has recommended the issuance of Route Authorizations to WMA Transit Company and Alexandria, Barcroft, and Washington Transit Company, Inc., as follows:

WMA TRANSIT COMPANY:

Extended Portion:

From the intersection of 11th Street and Pennsylvania Avenue, N.W., northwest on Pennsylvania Avenue, north on 14th Street, west on H Street, north on 18th Street, east on L Street to terminal stand on L Street, N.W.; continue east on L Street, south on 14th Street, southeast on Pennsylvania Avenue to 11th Street, N.W.

ALEXANDRIA, BARCROFT, AND WASHINGTON TRANSIT  
COMPANY, INC.

Extended Portion:

From the intersection of 14th Street and Pennsylvania Avenue, N.W., north on 14th Street, west on H Street, north on 18th Street, east on L Street to terminal stand on L Street, N.W.; continue east on L Street, south on 14th Street to Pennsylvania Avenue, N.W.

Section 4(e), Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact states, in part:

"The Commission may, if it finds that public convenience and necessity so require, require any person subject to this act to extend any existing service or provide any additional service over additional routes within the Metropolitan District; . . ."

WMA Transit Company holds Certificate of Public Convenience and Necessity No. 8 authorizing it to transport passengers between Washington, D. C. and Maryland. Alexandria, Barcroft, and Washington Transit Company, Inc., holds Certificate of Public Convenience and Necessity No. 11 authorizing it to transport passengers between Washington, D.C. and Virginia. No changes are contemplated by the Staff in either of these certificates. It is the opinion of the Commission that all interested parties should have an opportunity to be heard with reference to this matter.

**THEREFORE IT IS ORDERED:**

1. That an investigation be made and hearing held concerning the propriety and reasonableness of such bus route extensions.
2. That this matter be, and it is hereby, set for hearing on Tuesday, June 22, 1965, at 9:30 A.M., in the offices of the Commission, 1815 North Fort Myer Drive, Arlington, Virginia.
3. That a copy of this Order be sent to all known interested parties.



4. That the Commission publish notice of this Order in a newspaper of general circulation in the Metropolitan District, stating the subject matter of the hearing and the time and place thereof.

5. That Alexandria, Barcroft, and Washington Transit Company, Inc., and WMA Transit Company be, and they are hereby, made respondents to this proceeding.

FOR THE COMMISSION

/s/ Delmer Ison  
Executive Director

---

ORDER NO. 581

Served March 25, 1966  
Docket No. 91

APPEARANCES:

STANLEY H. KAMEROW, 1025 Vermont Avenue, N.W., Washington, D.C., appearing on behalf of WMA Transit Company, Respondent.

S. HARRISON KAHN, and ROBERT T. MITCHELL, JR., 733 Investment Building, Washington, D.C., appearing on behalf of Alexandria Barcroft and Washington Transit Company, Respondent.

MANUEL J. DAVIS, 1629 K Street, N.W., Washington, D.C., appearing on behalf of Washington, Virginia and Maryland Coach Company, Inc., Intervenor.

JOHN R. SIMS, JR. and HARVEY M. SPEAR, 3600 M Street, N.W., Washington, D.C., appearing on behalf of D.C. Transit System, Inc., Intervenor.

RUSSELL W. CUNNINGHAM, 1815 North Fort Myer Drive, Arlington, Virginia, appearing on behalf of the Washington Metropolitan Area Transit Commission.

This matter came before the Commission upon the recommendations of the Engineering staff to require A. B. & W. Transit Company ("A. B. & W."), and WMA Transit Company ("WMA"), to extend their

routes to an area in the vicinity of 18th and L Streets, N.W., Washington, D.C. At the present time the service of these carriers generally terminates in the vicinity of 11th and 12th Streets and Pennsylvania Avenue, N.W., Washington, D.C. Under the staff proposal, A. B. & W and WMA would establish [2] additional terminal points in the vicinity of 18th and L Streets, N.W.

By Order No. 482, served May 25, 1965, the Commission ordered that an investigation be made and hearing held concerning the propriety and reasonableness of the staff's recommendations discussed above.

A. B. & W. and WMA were made respondents and D. C. Transit System, Inc., ("D.C. Transit" or "Transit"), and Washington, Virginia and Maryland Coach Company, Inc. ("W. V. & M."), were permitted to intervene in the proceeding. Public hearings were held on June 22, August 10, 11, 13 and 17, 1965. In addition to the voluminous oral testimony, some one hundred eighty-six (186) exhibits were offered into evidence, of which four (4) were not received. The Commission also had the benefit of briefs.

Prior to and during the course of this proceeding, several motions were filed, including a motion to terminate the proceeding, a motion for proposed report and a motion for oral arguments, the latter of which was filed subsequent to the filing of briefs. The examiner properly denied some of these motions, and those motions which were not denied are hereby denied. The Commission is of the opinion that the evidence adduced at the hearings and briefs of counsel are more than adequate to enable the Commission to reach a fair and equitable decision in this matter, and that oral arguments would not contribute materially to the decision-making process.

The staff presented the testimony of Mr. Charles W. Overhouse, the Commission's Chief Engineer; Mr. Paul W. Foreman, Defense Coordinator for the General Services Administration; Mr. William D. Heath, Executive Director, Motor Vehicle Parking Agency of the Dis-



trict of Columbia; Mr. Daniel J. Hansen, Deputy Director of Traffic Engineering and Operations for the D.C. Department of Highways and Traffic; and Mr. Edwin L. Kesler, a resident of North Springfield, Virginia.

Respondent A. B. & W., presented the testimony of Mr. Richard F. Lawson, its Operations Manager, and Mr. George R. Snyder, a Certified Public Accountant employed by A. B. & W. A. B. & W., while admitting it held appropriate authority to serve the area proposed by the staff, opposed the proposed route extensions on the ground that the proposed service would be uneconomical, contending that the proposed service would result in additional expenses without an attendant increase in revenues.

Intervenor, D. C. Transit, presented the testimony of Mr. William E. Bell, its Assistant Vice President, Research and Development; Mr. Gordon Phillips, its Associate General Counsel; Mr. John R. Sims, Jr., its Associate General Counsel; and Mr. Parker C. Peterman, its Vice President and Comptroller. D. C. Transit opposed the proposed route extensions on two grounds, namely: (1) that the proposed service would lure away from it a great amount of traffic it now handles via a transfer arrangement and (2) that the respondent-carriers' [3] certificates do not authorize the proposed transportation, and, because of this fact, are not entitled to such authority until the Commission finds that the existing service is inadequate and D. C. Transit is given the opportunity to correct any deficiencies found to exist in the present service.

Intervenor, W. V. & M., presented the testimony of Mr. S. A. DeStefano, its President, in opposition to the proposed route extension.

Respondent, WMA, presented rebuttal testimony of its Controller, Mr. Samuel A. Sardinia. WMA agreed with the staff's position that it holds appropriate authority from the Commission to operate the proposed service, and is willing to institute the proposed service if ordered by the Commission.

The staff recommended that the Commission require A. B. & W. and WMA to extend their present service to the vicinity of 18th and L Streets, N.W., by route authorizations, since in the staff's view, the certificates of public convenience and necessity of both carriers already authorize such operations.

There are two basic issues involved in this proceeding. The crucial issue is whether or not A. B. & W. and WMA presently have the authority by virtue of their existing certificates of public convenience and necessity to perform the proposed transportation. If the present certificates of these carriers authorize such transportation, D.C. Transit and W. V. & M. cannot be heard to complain; the Commission will be merely requiring A. B. & W. and WMA to do what they are by law required to do under their existing certificates of public convenience and necessity. If A. B. & W. and WMA already hold appropriate authority to perform the proposed transportation, the secondary issue becomes one of determining whether or not it would be in the public interest to require such transportation. The public interest question can be largely determined by an inquiry into the demand for the proposed service.

The answer to the crucial question as to whether or not the certificates of A. B. & W. and WMA authorize the subject transportation appears to lie in the certificates themselves. Before looking to the actual language of the certificates, however, it is necessary to consider the circumstances surrounding their issuance. Both certificates were granted pursuant to the "grandfather" provisions of the Washington Metropolitan Area Transit Regulation Compact ("Compact"). In the case of WMA, it had, before the creation of the Commission, operated within Prince Georges County, Maryland, under authority granted to it by the Maryland Public Service Commission; within the District of Columbia, by virtue of the authority granted by the District of Columbia

Public Utilities Commission <sup>1/</sup> ("PUC"); and in interstate commerce between points in [4] Maryland and points in the District of Columbia, under certificates of public convenience and necessity granted by the Interstate Commerce Commission ("ICC"). In this latter franchise, as was its custom, the ICC <sup>2/</sup> specified the terminal service (i.e., between Maryland points, Washington, D.C.), and specified the routes in Maryland over which the service was to be operated, to the District of Columbia line. Treating the District of Columbia as a city, the ICC did not specify the street routings or terminal locations. All of these pre-compact authorities, plus exempt operations, formed the basis for the WMA "grandfather" claim, and the resulting certificate issued by this Commission combined all of them into one document.

In the case of A. B. & W., the above described background is applicable, except that its operations are between Washington, D.C., and the Northern Virginia area, comprising Alexandria and parts of Arlington and Fairfax Counties. Its ICC authority, similarly, provided for regular-route, common carrier service between Washington, D.C., and points in Virginia. <sup>3/</sup> The "grandfather" certificate issued by the Commission encompassed all of A. B. & W.'s prior authority.

D. C. Transit was a similar recipient of a "grandfather" certificate which was based on pre-compact authority, namely a franchise from the Congress to operate a mass transportation system within the District of Columbia and between points within the Metropolitan area, subject "to the rights to render service within the Washington Metropolitan Area possessed, at the time <sup>4/</sup> this section takes effect, by other com-

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<sup>1/</sup> Now the District of Columbia Public Service Commission.

<sup>2/</sup> Exhibit 84, I.C.C. Certificate of Public Convenience and Necessity, No. M.C. 3677, dated February 24, 1954.

<sup>3/</sup> Exhibit 83, I.C.C. Certificate of Public Convenience and Necessity, No. M.C. 1800, dated August 7, 1951.

<sup>4/</sup> July 24, 1956.

mon carriers of passengers . . .," <sup>5/</sup> and certificates and permits issued by the ICC and the Maryland Public Service Commission. It is readily discernible that the respondents' authority antecedes Transit's franchise by several years, <sup>6/</sup> and the authority granted by said franchise was subject to the rights contained in the certificates.

The ICC certificates do not include any restrictions on the rights of the respondent carriers to serve any area of Washington, D.C. in interstate transportation. They were, therefore, authorized to transport passengers in interstate transportation to any point in the District of Columbia, subject to local traffic and routing regulations imposed by the District of Columbia. The District of Columbia, through a Joint Board, composed of the PUC and the Commissioners of the District of Columbia, <sup>7/</sup> had entered many directive orders of this nature, some of which are exhibits in this proceeding. These routing orders served the same function as this Commission's route authorization. See, for example, Exhibit 86, which is a compilation of orders <sup>8/</sup> of the PUC dealing with rerouting, institution of new terminals, and establishment of fringe parking lots. It should be noted that apparently the PUC recognized that the carrier had the necessary certificate operating rights, as there is no mention of certificates of public convenience and necessity - the only criterion being the "public interest."

In 1955, the PUC had a proceeding before it in which similar issues were involved. WMA had requested an extension of a route within the District of Columbia. Transit's predecessor, Capital Transit, ap-

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<sup>5/</sup> D. C. Transit Franchise, Title I, Part 1, Section 1, P.L. 757.

<sup>6/</sup> The certificates referred to herein are revised. The respondents have been so engaged in interstate operations for many years preceeding the dates on the revised certificates.

<sup>7/</sup> D. C. Code 40-603(e), 1961 Ed.

<sup>8/</sup> Including: D. C. Public Utilities Commission Order No. 2377, dated September 9, 1942; Order No. 4224, dated October 7, 1955.



peared in opposition, alleging that the change of route would make it competitive with Capital Transit's service, and that under the terms of Section 4 of the Merger Act (Section 44-201, D. C. Code, 1951), the PUC could not permit the extension in route without a finding that public convenience required the extension. The PUC held that a certificate of public convenience and necessity was not required under Section 4 of the Merger Act. <sup>9/</sup> The language of that section is almost identical with that in the Franchise.

As previously discussed, the pre-compact operating rights of these carriers were consolidated under a "grandfather" claim, and appropriate certificates were issued by this Commission. The A. B. & W. Certificate (No. 11), provides, in part, as follows: <sup>10/</sup>

#### REGULAR ROUTE

Passengers and their baggage . . . over regular routes.

Between Washington, D. C., and Virginia, between Washington, D. C., Maryland and Virginia, serving all intermediate points; restricted however unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland, and the District of Columbia, as follows:

- No. 1 From Fort Belvoir, Virginia, over U. S. Highway No. 1, to junction Virginia Highway No. 617, thence over Virginia Highway No. 617 to junction Virginia Highway No. 350 (Shirley Memorial Highway), thence over Virginia Highway 350 to Washington, D.C., and return over the same route.

The WMA Certificate (No. 8) provides, in part, as follows: <sup>11</sup>

<sup>9/</sup> Exhibit 87, Public Utilities Commission Order No. 4158, dated January 28, 1955.

<sup>10/</sup> Exhibit No. 2.

<sup>11/</sup> Exhibit No. 3.

### REGULAR ROUTE

Passengers and their baggage, and express, in the same vehicle with passengers.

Between Washington, D. C., and points in Maryland; and between points in Maryland, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in the District of Columbia.

- No. 1 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland Route 4, 56th Avenue, Maryland Routes 214, 389, 704 Greenleaf Road, 82nd Avenue, Barlowe Road, Maryland Route 202, Prince Georges Avenue, Hawthorne Street, 73rd Avenue, Forest Road, 74th Avenue to Kent Village, and return over the same route.

In not designating specific streets within the District of Columbia, this Commission clearly followed the procedure of the ICC. Years ago, [7] the ICC adequately answered the charge similar to that raised by Transit herein. In refuting a claim that city streets must be designated, the ICC said:

To the contrary, in authorizing operation over a route traversed within municipalities or with the routes between adjoining municipalities, it has not been our general policy to specify or designate the streets over which operations may be conducted except in some few instances. In such instances, however, the streets have been specified or named in the authority granted and a carrier holding such authority of course may not operate within the municipalities authorized over streets other than those specified. For an example of where we have specified certain streets in the issuance of a certificate, see Lincoln Tunnel Applications, 12 M.C.C. 184. But where the streets within a municipality have not been designated by us, and we have authorized operations over city streets, it seems clear that the carrier is au-

thorized to operate over any city street within the municipality or between adjoining municipalities, and a review of the cases involving this question confirms this.

Moreover, it is to be noted that in authorizing the transportation of passengers between Manhattan and points in the so-called short haul, mass transportation area, city streets are not designated within Manhattan. If a carrier's certificate does not specify the city streets over which it may conduct operations, it seems obvious that it may conduct such operations over any city street, otherwise it is doubtful whether changes in operations within Manhattan could be made subject only to the approval of the police department of the City of New York as is now true, in view of the certificate provisions of the act. Hudson Bus Transportation Co., Inc., Passenger Service, 5 Fed. Car. Case 31,197 (1946).

In another proceeding before the ICC, A. B. & W. had requested authority to serve the Washington National Airport. At that time it held a certificate authorizing regular route operations between Washington, D. C. and Mt. Vernon, Virginia, serving all intermediate points. The ICC pointed out that A. B. & W.'s existing authority accorded it the right to serve said airport. The ICC then said:

- [8] Such operations would be no different, insofar as regulation under the act is concerned, from operations by applicant over the highways and streets of Alexandria, another intermediate point on the same route. Applicant's right to operate over any public highway or street within the municipal limits of Alexandria, subject to all lawful requirements of that city, could not well be questioned by anyone. A. B. & W. Transit Company, Extension of Operation - Washington National Airport, 30 M.C.C. 618, at Page 620.

The Commission can only conclude that the certificates held by A. B. & W. and WMA already authorize the proposed service exten-

sions, and these carriers may be required to provide the proposed service, through route authorizations, under the terms of their certificates.

The Commission will now discuss the issue of whether or not it would be in the public interest to require A. B. & W. and WMA to extend their routes as proposed pursuant to their certificates of public convenience and necessity.

The primary basis for the Engineering staff's recommendation that the present service of A. B. & W. and WMA be extended to the vicinity of 18th and L Streets, N.W., was an extensive origin-destination survey of the present patrons of these two companies. The Commission's Chief Engineer testified at length concerning this survey. The record shows that in February of 1965, A. B. & W. and WMA were contacted by the Commission in an effort to seek their cooperation in conducting the aforementioned survey. The Companies agreed to bear all expenses incurred in connection with the survey. On March 22, 1965, during the morning peak period, between approximately 6:00 A.M. and 9:30 A.M., postal card questionnaires were distributed to all A. B. & W. and WMA patrons traveling inbound to points in Washington, D. C. The postal cards could be returned to the driver or dropped in the mail, postage free.

A total of 22,000 cards were printed; 16,000 for A. B. & W. and 6,000 for WMA. Approximately 11,000 cards were distributed by A. B. & W. and 1,500 by WMA. According to the testimony of Mr. Overhouse, excellent results were obtained from the survey. Mr. Overhouse stated as follows:

Of the cards distributed, approximately 6,000 were returned. Some of these could not be used because they were illegible, ambiguous, blank, etc.

A total of 5,166 cards were usable; 4,366 from the patrons of A. B. & W. and 800 from the patrons of WMA. The destinations expressed on the cards were



analyzed, and it was the Engineering Department's view that a patron who could ride a bus to within three blocks of his ultimate destination without transferring was being served conveniently and adequately. Conversely, it was considered that if a through route would not take him within three blocks (approximately 1/4 mile) of his "downtown destination," his service was inconvenient and inadequate.

Using the above as a guide, it was noted that approximately 41% of present patrons were not being served satisfactorily because their destinations were farther into the northwest section of the city than the present terminals of their companies would permit them to ride. Analysis of the total sample disclosed the following:

A. B. & W. TRANSIT COMPANY

	<u>PSGRS</u>	<u>%</u>
Total Usable Sample	4336	100.0
Presently Served Adequately	2645	61.0
Additional That Would Be Served by Route to 18th & L, N. W.	1110	25.6
Remainder Served Inadequately	581	13.4

WMA TRANSIT COMPANY

Total Usable Sample	830	100.0
Presently Served Adequately	394	47.5
Additional That Would Be Served By Route to 18th & L, N.W.	303	37.0
Remainder Served Inadequately	133	15.5

Based on the survey, the Engineering Department has concluded that at present, 39% or 1,691 A. B. & W. passengers who ride on a normal weekday during the A.M. commute period, and who responded to the survey, are

not being adequately served at their destinations in Washington, D.C., and that this number could be reduced to 13.4% or 581 passengers, [10] by extension of that Company's routes to 18th & L Streets, N.W. Likewise, 52.5% or 436 patrons in the WMA sample are not being served adequately, and that an extension of that Company's routes to 18th & L Streets, N.W., would reduce the number to 15.5% or 133 passengers.

Other smaller concentrated areas of inadequate service were also pointed up by the survey, but we found that extensions into the largest of these areas would only adequately serve a minimal percentage of present riders. In each case, extension of service into these smaller areas only produced additional satisfactory service to less than 5% of either Company's patrons.

It was felt that the major service-problem area was to the northwest of the present terminals of A. B. & W. and that the round-trip extensions of 2.15 miles of A. B. & W. lines, and 2.80 miles of WMA lines would serve, at the absolute minimum, an additional 1,400 of these Companies' present daily peak commute period passengers at a satisfactory level.

The thrust of Mr. Overhouse's testimony was that the patrons of A. B. & W. and WMA are not being adequately served under the present scheme of operations. According to the results of the survey, up to 25% of A. B. & W.'s patrons whose destinations are Washington, D.C., would be directly benefitted by route extensions of A. B. & W. into the vicinity of 18th and L Streets, N.W.; up to 37% of WMA's patrons would be benefitted.

The testimony of the other witnesses testifying on behalf of the staff, including Mr. Foreman, Mr. Heath, Mr. Hansen, and Mr. Kesler, corroborates and substantiates the results of the survey, that the 12th Street and Pennsylvania Avenue Terminal of A. B. & W. and the 11th Street and Pennsylvania Avenue Terminal of WMA no longer adequately

serve the needs of a substantial number of the patrons of these carriers since their present destinations are in the vicinity of 18th and L Streets, N.W.

Mr. Paul Foreman, Defense Coordinator for the General Services Administration, is uniquely qualified to recommend solutions to transportation problems as they relate to Federal employees in the Nation's Capital. Mr. Foreman testified that since 1962 there has been a tremendous increase in the number of federal employees located in the mid-town, 18th and L Streets area. He concluded that the proposed extension was needed, and in addition to benefitting existing riders, would attract those now using other modes of transportation.

Mr. William D. Heath, Executive Director, District of Columbia Motor Vehicle Parking Agency, testified in relation to further growth of the downtown area. Mr. Heath stated that in 1955 the employee population in the area of 18th and L Streets, N.W., was approximately 26,000. By 1965, the employee population in this area had increased to approximately 45,000, or an increase of about 70%. When buildings under construction are completed and occupied they will have approximately 56,000 employees or a gain of over 100% since 1955.

Mr. Daniel J. Hansen, Deputy Director of Traffic Engineering Operations, D. C. Department of Highways and Traffic, testified that his department had reviewed the staff proposal and had conducted a number of field studies relative thereto. These included personal interviews, pedestrian counts and traffic studies. Mr. Hansen concluded that the proposed extension of bus service would encourage people to use public transportation and thereby reduce the number of private passenger cars that enter the District of Columbia daily, solely for the purpose of bringing commuters to work in the morning and returning them home in the evening.

Mr. Edwin L. Kesler, a public witness who appeared at the hearing voluntarily, testified that his wife formerly worked in the area to be served by the proposed extension. Her travel pattern was from home

to 18th and Constitution Avenue, thence by foot to 18th and M Streets, N.W.; transfer to Transit was too time consuming, which prompted her to walk. Mr. Kesler corroborated Mr. Hansen's testimony and stated that in foul weather he would drive his wife to work; because her quitting time varied from day to day, he frequently had to circle the block several times. It was Mr. Kesler's opinion that the existing service is also unsatisfactory to persons similarly situated.

As previously noted, both A. B. & W. and WMA agree that their present certificates authorize the proposed route extensions. WMA is not only willing to render the proposed service, but tendered a definite scheme of operations which it felt would be profitable. In addition to providing better service for existing patrons, it was stated that additional patrons would be attracted. The thrust of A. B. & W.'s opposition is directed toward the economic feasibility of the proposed transportation. A. B. & W.'s objection is easily overcome by pointing out that at any time when the demand for the service no longer justifies the cost involved, appropriate adjustments in service will be made commensurate with the demand, and such action will be taken administratively consistent with the present practice.

The Commission can give little weight to W. V. & M's objection to the proposed route extensions. W. V. & M. and A. B. & W. operate primarily between adjacent areas in Northern Virginia and the District of Columbia. Since A. B. & W. serves an area comprised of Alexandria and the eastern portions of Arlington and Fairfax Counties, and W. V. & M. serves an area to the north and west of the A. B. & W. area, there is only minimal competition between the two carriers where their areas meet. Any siphoning of traffic by the proposed service from W. V. & M. operations would be de minimis. W. V. & M. already serves the present terminal area in Washington, D. C., served by WMA and A. B. & W., and in addition, serves the 18th and L Streets area.

The Commission has carefully considered the evidence adduced by D. C. Transit in this proceeding. The testimony of D. C. Transit to the

effect that it stands to lose gross revenues in excess of \$600,000 annually, if the staff's recommendations are effectuated, was predicated on the premise that every person now taking advantage of the joint-fare arrangement between respondents and D. C. Transit would no longer use the service of D. C. Transit. Such a supposition is not only contrary to the record, but is invalid on its face. The survey conducted by the staff — which was the only real evidence of probative value on the issue — did not provide any basis for such a premise. D. C. Transit's contention that the proposed route extensions will have an adverse economic effect on its present operations must be related to the conveniences which will result to the traveling public if the service is extended. In viewing the economic impact the proposed route extensions may have upon D. C. Transit, the Commission cannot overlook the possibility, and in fact, the probability, that the improved service might very well generate additional bus patronage to such an extent that there will be no substantial adverse effects on D. C. Transit. In providing a direct service for bus patrons from points in Virginia and Maryland, discussed herein, a substantial number of automobiles may be eliminated from the downtown area, which will be of direct economic benefit to D. C. Transit. It is the Commission's considered judgment that there will be no substantial economic effect upon D. C. Transit if the proposed transportation is performed.

One of the basic purposes for the creation of this Commission was to provide for the regulation and improvement of mass transit and the alleviation of traffic congestion in the Washington area without regard to political boundaries. If the maximum results are to be obtained, it is most essential that the maximum benefits be derived from the flexibility inherent in our all-bus system. All of the carrier-parties to this proceeding have been articulate exponents of the flexibility inherent in a bus system. The staff proposal is a vivid demonstration of this principal.



Greater use of public transportation is one of the important keys to the alleviation of traffic congestion on the downtown city streets. This record is very clear that a substantial number of daily commuters will be greatly inconvenienced if the proposed route extensions are effectuated since a large segment of the public will have the benefit of a single ride in a single vehicle from origin to destination. If the four major transit [13] operators are to continue to meet their public service responsibility and provide the standard of service required, situations involving minimal overlapping of service and minimal competition among the carriers cannot be avoided. If adequate and convenient methods of operations and arrangements among the carriers which are needed in order to meet the demands for public transportation cannot be accomplished voluntarily, then the Commission has no other course in the performance of its responsibilities under the law<sup>but</sup> to take the necessary action to compel such operations and arrangements. With reference to the case at hand, the Commission does not feel that it is doing any violence to the operations of any carrier involved; to the contrary, the action taken will represent a major transit improvement for numerous daily bus riders. The service to be extended by A. B. & W. and WMA is largely <sup>12/</sup> interstate in scope. D. C. Transit does not operate interstate, nor does its certificate authorize interstate operations, between the District of Columbia and those portions of Maryland and Virginia affected by the extension proposal.

The holding by the Commission to the effect that the existing certificates of A. B. & W. and WMA authorize the proposed route extensions removes the major objections of all parties to the proceeding. Obviously, under the ruling of the Commission, D. C. Transit is not entitled to an opportunity to improve its service under Section 4(e) or Sec-

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<sup>12/</sup> The certificate of WMA authorized limited intra-District of Columbia service and those persons using such service will be benefitted by the route extensions.

tion 4(g), Article XII, Title II of the Compact, since no certificates of public convenience and necessity are being issued. D.C. Transit's contention that the new service, if authorized, will be competitive with its service, is without merit.<sup>13/</sup> But, even if it were construed to be competitive, it is nevertheless authorized by certificates of public convenience and necessity, issued pursuant to the provisions of the Compact and with full knowledge and consent of all parties to this proceeding.

The Commission finds and concludes that the public interest will be served if A. B. & W. and WMA are required to extend their routes so as to provide bus service to the 18th and L Streets area of Washington, D. C.

[14] The Commission will issue herewith appropriate route authorizations directing A. B. & W. and WMA to extend their present service to include the vicinity of 18th and L Streets, N.W., in substantial compliance with the recommendations of the Commission's Engineering staff.

**THEREFORE, IT IS ORDERED:**

1. That A. B. & W. Transit Company and WMA Transit Company be, and they are hereby, authorized and directed to extend their service to the vicinity of 18th and L Streets, N.W., Washington, D. C.

2. That A. B. & W. Transit Company and WMA Transit Company be, and they are hereby, required to extend their service referred to in paragraph 1 above, in accordance with route authorizations issued in compliance with the established procedures of the Commission and attached hereto.

3. That the service authorized and directed to be operated herein

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<sup>13/</sup> The President of W. V. & M., a subsidiary of D. C. Transit, freely admitted that its service between Northern Virginia and the District of Columbia via the 18th and L Streets area, while being parallel to the service of D. C. Transit, is not a competitive service.

be instituted forthwith, but in no event later than sixty (60) days from the date of this Order.

BY DIRECTION OF THE COMMISSION:

By /s/ Delmer Ison  
Executive Director

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Route Authorization No. 1-66  
March 25, 1966

By Order No. 581, served March 25, 1966, Alexandria, Barcroft and Washington Transit Company was granted authority to extend its bus routes in Washington, D. C., to the vicinity of 18th and L Streets, N.W. To establish such routes within the District of Columbia, authority is hereby granted to Alexandria, Barcroft and Washington Transit Company to operate in the following manner:

Over regular route to 14th Street and Pennsylvania Avenue, N.W., continue north on 14th Street, west on H Street, north on 17th Street, east on main roadway of K Street to 17th Street, continue on south service roadway of K Street to 16th Street, south on 16th Street, east on Eye Street, south on 14th Street to C Street, S. W., thence over regular route.

Over regular route to 12th Street and Pennsylvania Avenue, N.W., thence northwesterly on Pennsylvania Avenue, north on 14th Street, west on H Street, north on 17th Street, east on main roadway of K Street to 17th Street, continue on south service roadway of K Street to 16th Street, south on 16th Street, east on Eye Street, south on 14th Street to C Street, S. W., thence over regular route.

FOR THE COMMISSION

/s/ Delmer Ison  
Executive Director



\* \* \*

By Order No. 581, served March 25, 1966, WMA Transit Company was granted authority to extend its bus routes in Washington, D. C., to the vicinity of 18th and L Streets, N.W. To establish such routes within the District of Columbia, authority is hereby granted to WMA Transit Company to operate in the following manner:

Over regular route to 11th Street and Pennsylvania Avenue, N. W., thence northwesterly on Pennsylvania Avenue, north on 14th Street, west on H Street, north on 17th Street, east on main roadway of K Street to 17th Street, continue on south service roadway of K Street to 16th Street, south on 16th Street, west on Eye Street, south on 14th Street, southeasterly on Pennsylvania Avenue to Third Street, N.W., thence over regular route.

Over regular route to 11th Street and New York Avenue, N. W., thence southwesterly on New York Avenue, west on H Street, north on 17th Street, east on main roadway of K Street to 17th Street, continue on south service roadway of K Street to 16th Street, south on 16th Street, east on Eye Street, south on 11th Street, thence east on Eye Street over regular route.

FOR THE COMMISSION

/s/ Delmer Ison  
Executive Director

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**APPLICATION OF D. C. TRANSIT SYSTEM,  
INC. FOR RECONSIDERATION OF ORDER  
NO. 581**

D. C. Transit System, Inc. ("Applicant") respectfully requests reconsideration of Order No. 581 ("Order") pursuant to Section 16, Article XII, Title II of the Washington Metropolitan Area Transit Regulation Compact, Public Law 86-794, 74 Stat. 1031 (1960) ("Compact"), and Rule 28 of the Rules of Practice and Procedure of the Washington Metropolitan Area Transit Commission ("Commission") on the grounds that the Commission made the following errors in the Order:

1. The Commission erred in not complying with all of the provisions of Section 4(a), (d), (e) and (g), Article XII, Title II of the Compact.

2. The Commission erred in directing WMA Transit Company ("WMA") and Alexandria, Barcroft, and Washington Transit Company, Inc. ("ABW") to furnish service over the [2] proposed route extensions without the issuance of new Certificates of Public Convenience and Necessity or the amendment of their respective present Certificates of Public Convenience and Necessity.

3. The Commission erred in its conclusion that WMA and ABW may be required to furnish service over the proposed route extensions through "route authorizations" without a hearing on and finding of public convenience and necessity.

4. The Commission erred in finding that the existing Certificates of Public Convenience and Necessity issued by the Commission to WMA and ABW authorize service by such companies over the proposed route extensions.

5. The Commission erred in failing to find that Applicant is the holder of a certificate to operate over the proposed route extensions.

6. The Commission erred in finding that the service to be furnished over the proposed route extensions is not competitive with service being provided by Applicant.

7. The Commission erred in its finding that there will be no substantial economic effect upon Applicant if WMA and ABW provide service over the proposed route extensions.

[3] 8. The Commission erred in failing to find that the service rendered by Applicant is inadequate to the requirements of the public necessity and convenience.

9. The Commission erred in finding that Applicant is not entitled to reasonable time and the opportunity to improve its service or to remedy any alleged inadequacy in service in the areas to be served by the proposed route extensions.

10. The Commission erred in finding that the furnishing of service by WMA and ABW over the proposed route extensions would not do any "violence" to the operations of Applicant.

11. The Commission erred in its finding that the certificates of public convenience and necessity issued by the Interstate Commerce Commission to WMA and ABW did not include any restrictions on their respective rights to serve any area of the District of Columbia in interstate transportation.

12. The Commission erred in failing to find that, to the extent the Certificates of Public Convenience and Necessity issued by the Commission to WMA and ABW fail to specify the service to be rendered and the routes over [4] which, and the fixed termini, if any, between which each such carrier is authorized to operate within the District of Columbia, such Certificates have been and are void for failing to comply with Section 4(d) of Article XII, Title II of the Compact.

13. The Commission erred in finding that, to the extent the Certificates of Public Convenience and Necessity issued by the Commission to WMA and ABW fail to specify the service to be rendered and the routes over which, and the fixed termini, if any, between which each such carrier is authorized to operate within the District of Columbia, such Certificates of Public Convenience and Necessity were issued in

compliance with the provisions of the Compact or that Applicant had knowledge of or consented to the failure to comply with the provisions thereof.

14. The Commission erred in finding that Applicant ever had knowledge that the Certificates of Public Convenience and Necessity issued by the Commission to WMA and ABW authorized such carriers to transport passengers in interstate transportation to any point in the District of Columbia or that Applicant ever consented to the [5] granting of such authority.

15. The Commission erred in its finding that the record in this proceeding makes it clear that a substantial number of daily commuters will be greatly inconvenienced if the proposed route extensions are effectuated.

16. The Commission erred in finding that it would be in the public interest to require WMA and ABW to furnish service over the proposed route extensions.

17. The Commission erred in admitting into evidence and in giving probative value to the origin-destination survey conducted March 22, 1965.

18. The Commission erred in finding that the proposed route extensions will represent a major transit improvement for numerous daily bus riders.

19. The Commission erred in its opinion that the evidence at the hearings and briefs of counsel were more than adequate to enable the Commission to reach a fair and equitable decision and in failing to order oral arguments.

20. The Commission erred in ordering WMA and ABW to furnish service over the proposed route extensions because:

- (a) There is insufficient evidence in the record establishing the public convenience and necessity [6] of the service to be rendered over the proposed route extensions by WMA and ABW

as required by the Compact and the Congressional franchise granted to Applicant, 70 Stat. 598 (1956).

- (b) There is insufficient evidence in the record as to the factors, other than the public convenience and necessity referred to in the preceding subparagraph, required to be established by Section 4(e), Article XII, Title II of the Compact before WMA and ABW can be required to furnish service over the proposed route extensions.
- (c) There is insufficient evidence in the record establishing the "propriety and reasonableness" of the proposed route extensions as required by Commission Order No. 482 which initiated this proceeding.
- (d) Such order, on the basis of this proceeding, deprives Applicant of both substantive and procedural due process.

WHEREFORE, Applicant respectfully prays that the Commission:

- [7] (a) Reconsider the Order and modify the Order in accordance with this Application for Reconsideration; and
  - (b) Grant such other and further relief as may be just and proper.
- Dated this 22nd day of April, 1966.

Respectfully submitted,

/s/ Harvey M. Spear  
Attorney for  
D. C. Transit System, Inc.

[Certificate of Service, 22 Apr. 1966]

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**ORDER NO. 603**

May 6, 1966

Docket No. 91

On March 25, 1966, the Commission issued Order No. 581, authorizing and directing Alexandria, Barcroft, and Washington Transit Company and WMA Transit Company to extend their service in Washington, D.C.



D. C. Transit System, Inc., has filed an application for reconsideration of said Order, stating twenty grounds as error.

The Commission is of the opinion and finds that no new matter has been raised and that Order No. 581 is correct in every respect. The application for reconsideration should be denied.

THEREFORE, IT IS ORDERED that the application of D. C. Transit System, Inc., for reconsideration of Order No. 581 be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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UNITED STATES COURT OF APPEALS  
For the District of Columbia Circuit

D. C. TRANSIT SYSTEM,  
a corporation \* \* \*  
Petitioner

vs.

No. 20,188

WASHINGTON METROPOLITAN  
AREA TRANSIT COMMISSION \* \* \*  
Respondent

PETITION FOR REVIEW

Petitioner, D. C. Transit System, Inc. ("Transit"), pursuant to Section 17, Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact, Public Law 86-794, 74 Stat. 1031 (1960) ("Compact"), respectfully prays that the Court set aside Order No. 603 served by respondent, Washington Metropolitan Area Transit Commission ("Commission"), on May 6, 1966 and modify Order No. 581 served by respondent, Commission, on March 25, 1966. The nature of the proceeding as to which review is sought, the facts upon which venue is



based, the grounds upon which relief is sought and the relief prayed for are as follows:

[2] 1. Transit is a corporation established under the laws of the District of Columbia on July 9, 1956 with its principal offices at 3600 M Street, N. W., Washington, D. C., and is engaged in the mass transportation of passengers for hire within the Metropolitan District, including points and places in the District of Columbia, the State of Maryland and the Commonwealth of Virginia.

2. The Commission was established pursuant to the provisions of Title I of the Compact and is charged by the Compact with the responsibility of regulating and improving mass transit in the Metropolitan District.

3. On May 25, 1965, the Commission served Order No. 482 instituting an investigation to determine whether WMA Transit Company ("WMA") and Alexandria, Barcroft and Washington Transit Company, Inc. ("AB&W") should extend bus routes in Washington, D.C., assigning the matter for hearing on June 22, 1965, and requiring that WMA and AB&W be made respondents (a copy of which order is attached hereto as Exhibit "A" and made a part hereof).

4. At the hearing held June 22, 1965, Washington, Virginia and Maryland Coach Company, Inc. ("WV&M") and Transit were granted authority to participate in the proceeding as intervenors, the former having filed a petition to intervene [3] on June 17, 1965 and the latter having filed a similar petition on July 9, 1965 (a copy of each such petition is attached hereto as Exhibit "B" and made a part hereof).

5. Hearings in the proceeding were concluded on August 18, 1965. The transcript thereof contains 721 pages of testimony, and more than 115 exhibits were received in evidence. Extensive briefs were filed by the Staff of the Commission, Transit, WMA and AB&W.

6. On March 25, 1966, the Commission served Order No. 581, ordering WMA and AB&W to extend bus routes in Washington, D. C. (a copy of which order is attached hereto as Exhibit "C" and made a part hereof).

7. On April 22, 1966, Transit filed with the Commission its application for reconsideration of Order No. 581 (a copy of which application is attached hereto as Exhibit "D" and made a part hereof).

8. On May 6, 1966, the Commission served Order No. 603 denying Transit's application for reconsideration of Order No. 581 (a copy of which order is attached hereto as Exhibit "E" and made a part hereof).

9. Section 17(a) of the Compact provides that any party to a proceeding under the Compact aggrieved by an [4] order issued by the Commission in such proceeding may obtain a review of such order in this Court.

10. Transit is aggrieved by the Commission's Order No. 581 and Order No. 603 for the reasons set forth in the application for reconsideration of Order No. 581 (Exhibit "D").

WHEREFORE, Transit respectfully prays:

1. That a copy of this Petition be served upon a member of the Commission as required by Section 17(a) of the Compact;

2. That Commission Order No. 603 be set aside;

3. That Commission Order No. 581 be modified in a manner consistent with the application for reconsideration of Order No. 581 (Exhibit "D"), or be remanded to the Commission with directions that it be so modified; and

4. That Transit have such other and further relief as to this Court may seem just and proper.

Respectfully submitted,

/s/ Manuel J. Davis

/s/ Leon G. R. Spoliansky  
Attorneys for D. C. Transit  
System, Inc.

[Certificate of Service, 18 May 1966]

Before the  
Washington Metropolitan Area Transit Commission

[Exhibit B to Transit's Petition for Review]

June 17, 1965

**PETITION BY THE WASHINGTON, VIRGINIA  
& MARYLAND COACH COMPANY, INC. TO  
INTERVENE AND TO BE MADE A PARTY  
RESPONDENT**

Comes now the Washington, Virginia & Maryland Coach Company, Inc. (hereinafter referred to as W.V. & M.), by and through its attorney at law, Manuel J. Davis, this 16th day of June, 1965, and herewith petitions the Washington Metropolitan Area Transit Commission (hereinafter referred to as Commission), pursuant to the provisions of the Compact and the rules and regulations promulgated thereunder, for an order authorizing W.V. & M. to intervene and to be made a party respondent, as its interests may appear, in the above captioned matter and in support of the petition herein, the following is set forth:

1. The full and complete name of the petitioner is the Washington, Virginia & Maryland Coach Company, Inc., and whose business address is 707 North Randolph Street, Arlington, Virginia.

[2] 2. Petitioner is a common carrier of passengers by motor vehicle authorized to transport its passengers, their baggage, express and newspapers in the same vehicle with passengers, over certain designated routes within the metropolitan district, by virtue of the authority vested in it by the Washington Metropolitan Area Transit Commission, Certificate No. 4. Petitioner holds corresponding intrastate authority from the State Corporation Commission of the Commonwealth of Virginia over its interstate routes situated in the Commonwealth of Virginia. That, in addition to the foregoing, petitioner holds appropriate authority under the certificate issued to it by the Washington Metropolitan Area Transit Commission to originate irregular route special operations, sight seeing bus passenger services in the areas that it is authorized to serve as a common carrier of passengers by motor vehicles.

3. The Commission, in its Order No. 482, instituting the investigation therein referred to, states that its Staff has recommended the issuance of route authorizations to the WMA Transit Company (WMA) and the Alexandria, Barcroft, and Washington Transit Company, Inc. (A.B. & W.) to extend a portion of their respective regular route operations into and over areas within the District of Columbia in which and through which W.V. & M. presently conducts its regular route operations. In view of the foregoing, the rights and authority heretofore granted to W.V. & M. will be encroached upon, to [3] the extent that the Commission accepts and orders the issuance of route authorizations to WMA and A.B. & W. over existing routes operated by W.V. & M.

4. That due to the fact that testimony and evidence will be adduced at the hearings set by this Commission, it is reasonable to presume that testimony and evidence will be developed during the course of the said investigative hearings that may or will pertain to or encroach upon W.V. & M.'s authority and operations performed by it.

W.V. & M. presently maintains and operates regular route bus passenger transportation to and from the Pentagon Building situated in the Commonwealth of Virginia to points and places in the District of Columbia and return in competition with A.B. & W. To the extent that the recommendations by the Commission's Staff authorizes A.B. & W. to extend its present operations into areas in the District of Columbia exclusively served by W.V. & M., W.V. & M. notes its protest thereto and further, requests that this specific matter be set down for public hearing in accordance with the Commission's rules and regulations and the Compact.

5. Further, that the Washington Metropolitan Area Transit Regulation Compact and the rules and regulations promulgated thereunder prohibit this Commission from authorizing WMA and A.B. & W. to render the said services referred to in Paragraph 4 herein over the routes and within the areas which the petitioner holds authority to originate service.

[4] WHEREFORE, the Washington, Virginia & Maryland Coach Company, Inc. respectfully petitions and requests the Washington Metropolitan Area Transit Commission to enter an order authorizing W.V. & M. to intervene and to be made a party respondent, as its interests may appear, in the matter of the Order Instituting Investigation to Determine Whether WMA Transit Company and Alexandria, Barcroft, and Washington Transit Company, Inc. Should Extend Bus Routes in Washington, D.C. Order No. 482, Docket No. 91.

Respectfully submitted,

Manuel J. Davis  
Attorney for the Washington,  
Virginia & Maryland Coach  
Company, Inc.

Dated: June 17, 1965

[Certificate of Service]

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Before the  
Washington Metropolitan Area Transit Commission

July 9, 1965

[2] PETITION OF D. C. TRANSIT SYSTEM,  
INC. FOR LEAVE TO INTERVENE  
[Attached to Petition for Review]

D. C. Transit System, Inc. by its attorneys, respectfully petitions this Commission for leave to intervene in opposition to the proposed route extensions under Rule 16 of the Rules of Practice and Procedure, for the following reasons:

1. D. C. Transit as the principal mass transit operator within the boundaries of the District of Columbia performs a major part of the local intra-District transportation and, through its joint ticket arrangement with the other carriers involved, shares in the performance of a substantial part of the interstate transportation into the District of Columbia.



2. A preliminary study of the proposed changes indicated that from one hundred (100) to one hundred fifty [3] (150) routes of D. C. Transit will be affected adversely by such change.

WHEREFORE, petitioner respectfully prays that it be allowed to intervene in opposition to the proposed extensions of the Alexandria, Barcroft and Washington Transit Co., Inc. and the WMA Transit Company.

Respectfully submitted,

/s/ John R. Sims, Jr.

/s/ Manuel J. Davis

/s/ Gordon Allison Phillips  
Attorneys for D. C. Transit  
System, Inc.

[Certificate of Service, 9 July 1965]

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[Before the United States Court of Appeals, Served May 18, 1966]

**MOTION FOR STAY PENDING APPEAL  
AND REQUEST FOR IMMEDIATE HEARING**

Comes now D. C. Transit System, Inc. ("Transit"), by its attorneys, and moves this Court to stay, pending a final determination of its Petition for Review in this proceeding, (a) Order No. 581 served by Washington Metropolitan Area Transit Commission ("Commission") on March 25, 1966, insofar as such Order authorizes and directs WMA Transit Company ("WMA") and Alexandria, Barcroft and Washington Transit Company ("AB&W") to extend their respective services to the vicinity of 18th and L Streets, N.W., Washington, D.C.; (b) Route Authorization No. 1-66, dated March 25, 1966, issued by [2] the Commission In the Matter of Establishment of Bus Routes for WMA Transit Company in Washington, D.C.; and (c) Route Authorization No. 1-66,

dated March 25, 1966, issued by the Commission In the Matter of Establishment of Bus Routes for Alexandria, Barcroft and Washington Transit Company in Washington, D. C.

In addition, Transit requests that this motion be brought on for immediate hearing with an opportunity for oral argument. Pursuant to the terms of Order No. 581, the Commission has authorized and directed WMA and AB&W to extend their service into the vicinity of 18th and L Streets, N.W., Washington, D. C. duplicating service currently provided by Transit pursuant to its Congressional franchise. 70 Stat. 598 (1956). It is anticipated that part of the extended service will commence on May 23, 1966.

As is demonstrated in the brief submitted herewith, the Commission in issuing Order No. 581 has exceeded the authority granted to it by the Washington Metropolitan Area Transit Regulation Compact, Public Law 86-794, 74 Stat. 1031 (1960) ("Compact"), and has violated rights created by Transit's Congressional franchise. In addition, as will be shown on the appeal on the merits herein, the evidence in the record before the Commission does not support the findings on which Order No. 581 is based.

[3] Unless the relief sought herein is granted, Transit will suffer irreparable injury. The evidence in the Record before the Commission indicates that Transit will lose from \$150,000 up to \$600,000 per year in revenues from the extensions authorized by Order No. 581. This loss is equivalent to between \$568 and \$2,308 per working day.

WMA and AB&W do not at present render the extended service authorized by Order No. 581, and at the hearings before the Commission AB&W indicated that it was unwilling to render the service unless required to do so. In view of these facts, and since a stay will only offset those carriers' rights to a future benefit to which they would be entitled only in the event that the final disposition of the appeal herein is adverse to Transit, there will be no injury to WMA and AB&W if this Court stays Order No. 581.

Similarly, since the extended service is not at the present time operative, and since the Commission did not find that the service presently rendered by Transit is in any respect inadequate, the public interest will not be adversely affected by a stay of Order No. 581.

Alternatively, Transit moves this Court to grant such a stay until such time as WMA and AB&W shall post bonds in the amount of \$5,000 and \$25,000, respectively, per month pending final determination of Transit's appeal. This alternative [4] will have the effect of granting to those carriers the option whether or not to commence the proposed service, while indemnifying Transit for any loss it may sustain pending the result of the appeal on the merits herein.

WHEREFORE, D. C. Transit System, Inc. moves this Court for an order

- (1) staying, pending a final determination of Transit's Petition for Review in this proceeding, (a) Order No. 581 of the Commission insofar as such Order authorizes and directs WMA and AB&W to extend their services to the vicinity of 18th and L Streets, N.W. Washington, D.C., (b) Route Authorization No. 1-66, dated March 25, 1966, issued by the Commission In the Matter of Establishment of Bus Routes for WMA Transit Company in Washington, D. C., and (c) Route Authorization No. 1-66, dated March 25, 1966, issued by the Commission In the Matter of Establishment of Bus Routes for Alexandria, Barcroft and Washington Transit Company in Washington, D.C.;
- (2) alternatively, granting the stay referred to in the preceding paragraph until such time as WMA and AB&W post bonds in the amounts of \$5,000 and \$25,000 respectively, per month [5] pending the final determination of Transit's appeal, to indemnify Transit from loss of revenue derived from joint fare tickets in the event that Transit were to prevail in its appeal;
- (3) bringing on this motion for a stay pending appeal for immediate hearing; and

- (4) granting such other and further relief as to the Court may seem just and proper.

Respectfully submitted,

/s/ Manuel J. Davis

/s/ Leon G. R. Spoliansky

Attorneys for D. C. Transit  
System, Inc.

[Certificate of Service, 18 May 1966]

[Filed May 21, 1966]

# ORDER

This case came on for hearing on petitioner's motion for stay pending appeal, and said motion was argued by counsel.

Upon consideration whereof, and upon consideration of the motion of W.M.A. Transit Company for leave to intervene, and said movant's motion for leave to file objections to the motion for stay, and it appearing that said movant has lodged with the clerk an affidavit of Woodrow W. Miller, its president, in opposition to the motion for stay, and the parties having orally informed the court that they have no objection to the said motion to intervene, it is

ORDERED by the court that W. M. A. Transit Company is allowed to intervene in this case, and the clerk is directed to file intervenor's aforesaid affidavit in opposition to the motion for stay, and it is

FURTHER ORDERED by the court that the motion for stay is denied.

Per Curiam.

Circuit Judge Fahy would grant the stay temporarily pending an opportunity for the court more fully to consider the validity of the action of the Commission.

[Filed June 21, 1966]

PREHEARING STIPULATION

Counsel for the respective parties to this proceeding hereby stipulate as follows:

A. The issues presented by Petitioner's Petition for Review of Orders Nos. 581 and 603 served by Respondent on March 25, 1966 and May 6, 1966, respectively, are as follows:

1. Did Respondent err in holding that the existing certificates of public convenience and necessity of Intervenor and of Alexandria, Barcroft and Washington Transit Company ("ABW") authorize such carriers to render service over the route extensions proposed in the proceeding before Respondent (the "Proposed Route Extensions")?
- [2] 2. Did Respondent err in failing to find that the certificates of public convenience and necessity issued by it to Intervenor and ABW contained all such restrictions on their respective rights to serve the District of Columbia as were included in and applicable to the predecessor certificates of public convenience and necessity issued to such carriers by the Interstate Commerce Commission by virtue of their specific terms and of orders issued by the Public Utilities Commission of the District of Columbia?
3. Did Respondent err in failing to find the certificates of public convenience and necessity issued by Respondent to Intervenor and ABW invalid for failing to comply with Section 4(d), Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact, Public Law 86-794, 74 Stat. 1031 (1960) ("Compact") to the extent that such certificates failed to specify the service to be rendered and the routes over which, and the fixed termini, if any, between which each such carrier is authorized to operate within the District of Columbia?



- [3] 4. Did Respondent err in ordering Intervenor and ABW to serve the Proposed Route Extensions by means of "route authorizations" without amending their respective certificates of public convenience and necessity or issuing new certificates of public convenience and necessity, without a hearing on and findings of public convenience and necessity and without complying with all of the provisions of Section 4(e), Article XII, Title II, of the Compact?
- 5. Did Respondent err in finding that the service to be furnished by Intervenor and ABW over the Proposed Route Extensions is not competitive with the service being rendered by Petitioner?
- 6. Did Respondent err in ordering service over such Proposed Route Extensions without a hearing on and findings of public convenience and necessity as required by Section 3 of the Act of July 24, 1956, 70 Stat. 598, Petitioner's Franchise?
- 7. Did Respondent err in admitting into evidence and relying upon an origin-destination survey of patrons of Intervenor and ABW conducted by the Staff of Respondent in the morning of March 22, 1965?
- [4] 8. Did Respondent err in adopting Orders Nos. 581 and 603 ordering Intervenor and ABW to serve the Proposed Route Extensions because such Orders were not supported by substantial evidence in the record?
- 9. Did the procedures followed by Respondant in adopting Orders Nos. 581 and 603 deprive Petitioner of its constitutional rights to procedural due process by
  - (a) ordering Intervenor and ABW to serve the Proposed Route Extensions without complying with the procedures prescribed in the Compact;
  - (b) ordering Intervenor and ABW to serve the Proposed Route Extensions without complying with the procedures pres-

cribed in the Act of July 24, 1956, 70 Stat. 598, Petitioner's Franchise;

- (c) ordering Intervenor and ABW to serve the Proposed Route Extensions without holding a full and fair hearing; and
- (d) adopting such Orders in the absence of substantial evidence in support thereof?

10. Did the issuance by Respondent of Orders Nos. 581 and 603 deprive Petitioner of its constitutional rights to substantive due process in depriving Petitioner of its rights by

- [5] (a) ordering Intervenor and ABW to furnish service over the Proposed Route Extensions without complying with the Compact; and
- (b) ordering Intervenor and ABW to furnish service over the Proposed Route Extensions without complying with the Act of July 24, 1956, 70 Stat. 598, Petitioner's Franchise?

B. The joint appendix shall be filed within ten (10) days after the filing of Petitioner's reply brief, or, if Petitioner does not file a reply brief, then within twenty-five (25) days after the filing of the briefs of Respondent and Intervenor. At the time each party serves its main brief, it shall also serve its designation of the portions of the record and the exhibits to be included in the joint appendix.

C. In preparing briefs, the parties shall, when referring to record material, indicate the page or pages in the original record where such material may be found and to exhibits by the numbers assigned to them in the record. The pages of the joint appendix shall be consecutively numbered and shall, in addition, bear appropriate record page numbers so that the reference to the record material printed in the joint appendix may be readily found.

[6] D. Only such portions of the Petition for Review as shall be designated by any of the parties shall be printed in the joint appendix.

E. Petitioner shall serve and file its main brief on or before July

29, 1966 and Respondent and Intervenor shall have until August 22, 1966 to file their respective answering briefs.

Dated: June 21, 1966

Respectfully submitted,

/s/ Harvey M. Spear

Counsel for Petitioner,  
D. C. Transit System, Inc.

/s/ Russell W. Cunningham  
General Counsel  
Washington Metropolitan Area  
Transit Commission

/s/ Stanley H. Kamerow  
Counsel for Intervenor,  
W. M. A. Transit Company

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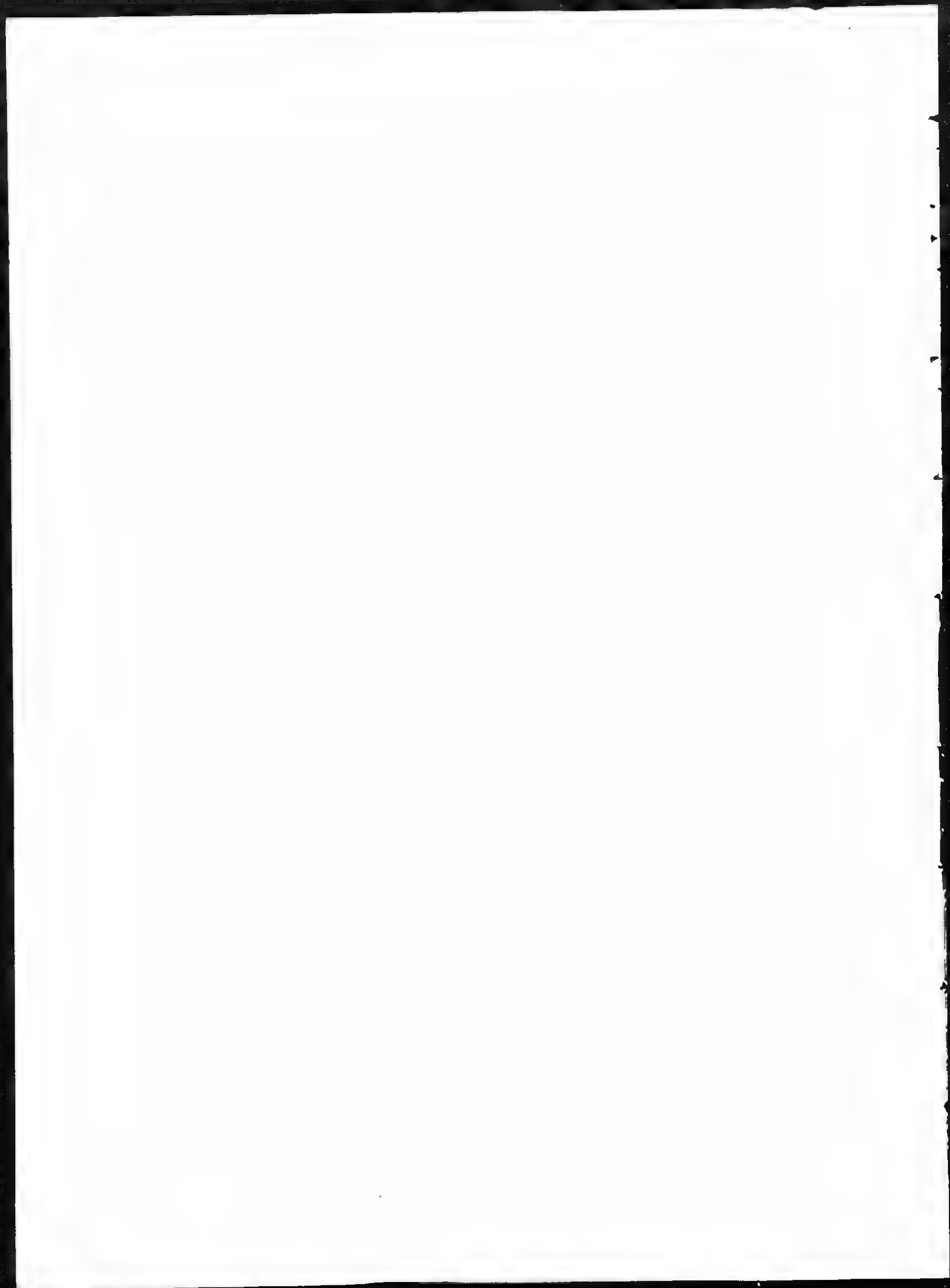
[Filed June 23, 1966]

### PREHEARING ORDER

Counsel for the parties in the above-entitled case having submitted their prehearing stipulation pursuant to Rule 38(k) of the General Rules of this Court, and the stipulation having been considered, the stipulation is approved except that the parties shall file their briefs in accordance with the provisions of Rule 18(a), (b) and (c) of said rules, and it is

ORDERED that the stipulation shall control further proceedings in this case unless modified by further order of this court, and that the stipulation and this order shall be printed in the joint appendix of the parties filed herein.

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## [Exhibit 1]

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
ENGINEERING DEPARTMENTREPORT ON SERVICE OF ALEXANDRIA, BARCROFT AND  
WASHINGTON TRANSIT COMPANY, INC., AND WMA  
TRANSIT COMPANY TO WASHINGTON, D.C.

HURVIE E. DAVIS  
WILLIAM H. McGILVERY  
Transportation Engineers

CHARLES W. OVERHOUSE  
Chief Engineer

June 9, 1965

THE PROBLEM

Alexandria, Barcroft, and Washington Transit Company, Inc., (A. B. & W.) operates interstate bus routes between the City of Alexandria and parts of Arlington and Fairfax Counties, Virginia, on the one hand and Washington, D.C., on the other, with a terminal at 12th Street and Pennsylvania Avenue, N.W.

WMA Transit Company (WMA) operates interstate bus routes between Prince Georges County, Maryland and Washington, D.C., with a terminal at 11th Street, N.W., between Pennsylvania Avenue and E Street, N.W.

Studies made by the Commission's Engineering Department indicate that many of the present riders of A. B. & W. and WMA buses have destinations in Washington, D.C., which they cannot reach on a through route from their origins in Virginia and Maryland, respectively.

PURPOSE OF REPORT

The purpose of this report is to show the number of present bus patrons who would probably be benefited by extending the bus routes of A. B. & W. and WMA to an area northwest of their present terminals.



### BRIEF DESCRIPTION OF CERTIFICATES

A. B. & W. holds Certificate of Public Convenience and Necessity No. 11, authorizing it to transport passengers and their baggage, and express, newspapers, and mail over regular routes between Washington, D.C., and Virginia.

WMA holds Certificate of Public Convenience and Necessity No. 8, authorizing it to transport passengers and their baggage, and express over regular routes between Washington, D.C., and points in Maryland.

These certificates do not describe the streets in the District of Columbia over which these Companies operate their interstate service. It has been the policy of the Commission to establish, abolish, and change bus routes in the District of Columbia by Route Authorizations. Such Route Authorizations do not entail amendment of the certificate of the company involved, and are handled as service adjustments.

### THE ENGINEERING DEPARTMENT STUDY

On March 22, 1965, during the morning peak period, between approximately 6:00 A.M., and 9:30 A.M., approximately 12,500 postal card questionnaires were distributed, 11,000 to A. B. & W. patrons, and 1,500 to WMA patrons travelling toward Washington, D.C. A sample card is shown in Appendix I.

Of the cards distributed, approximately 6,000 were returned. Some of these could not be used because they were illegible, ambiguous, blank, etc.

A total of 5,166 cards were usable: 4,366 from the patrons of A. B. & W., and 830 from the patrons of WMA. The destinations expressed on the cards were analyzed, and it was the Engineering Department's view that a patron who could ride a bus to within three blocks of his ultimate destination without transferring was being served conveniently and adequately. Conversely, it was considered that if a through route would not take him within three blocks (approximately 1/4 mile) of his "downtown destination", his service was inconvenient and inadequate.

Using the above as a guide, it was noted that approximately 41% of present patrons were not being served satisfactorily because their destinations were farther into the northwest section of the city than the present terminals of their companies would permit them to ride. Analysis of the total usable sample disclosed the following:

A. B. & W. TRANSIT COMPANY

	<u>PSGRS.</u>	<u>%</u>
TOTAL USABLE SAMPLE	4,336	100.0
PRESENTLY SERVED ADEQUATELY	2,645	61.0
ADDITIONAL THAT WOULD BE SERVED BY ROUTE TO 18TH & L, N.W.	1,110	25.7
REMAINDER SERVED INADEQUATELY	581	13.4

WMA TRANSIT COMPANY

	<u>PSGRS.</u>	<u>%</u>
TOTAL USABLE SAMPLE	830	100.0
PRESENTLY SERVED ADEQUATELY	394	47.5
ADDITIONAL THAT WOULD BE SERVED BY ROUTE TO 18TH & L, N.W.	303	37.0
REMAINDER SERVED INADEQUATELY	133	15.5

Based on the survey, the Engineering Department has concluded that at present, 39% or 1691, A. B. & W. passengers who ride on a normal weekday during the A.M. commute period, and who responded to the survey are not being adequately served at their destinations in Washington, D.C., and that this number could be reduced to 13.4% or 581 passengers by extension of that Company's routes to 18th & L Streets, N.W. Likewise, 52.5% or 436 patrons in the WMA sample are not being served adequately, and that an extension of that Company's routes to 18th & L

Streets, N.W., would reduce the number to 15.5% or 133 passengers.

Other smaller concentrated areas of inadequate service were also pointed up by the survey, but we found that extensions into the largest of these areas would only adequately serve a minimal percentage of present riders. In each case, extension of service into these smaller areas only produced additional satisfactory service to less than 5% of either Company's patrons.

It was felt that the major service problem area was to the northwest of the present terminals of A. B. & W. and WMA, and that the round-trip extensions of 2.15 miles of A. B. & W. lines, and 2.80 miles of WMA lines would serve, at the absolute minimum, an additional 1,400 of these Companies' present daily peak commute period passengers at a satisfactory level.

A. B. & W. routes presently penetrate farthest into the northwest quadrant at 14th Street and Pennsylvania Avenue, N.W. At that point they are proceeding north on 14th Street. A tentative description of the route extension is as follows:

EXTENDED PORTION:

From the intersection of 14th Street and Pennsylvania Avenue, N.W. north on 14th Street, west on H Street, north on 18th Street, east on L Street to terminal stand on L Street, N.W., continue east on L Street, south on 14th Street to Pennsylvania Avenue, N.W.

WMA routes presently penetrate the northwest quadrant to 11th Street and Pennsylvania Avenue, N.W. At that point they are proceeding northwest on Pennsylvania Avenue. A tentative description of the route extension is as follows:

EXTENDED PORTION:

From the intersection of 11th Street and Pennsylvania Avenue, N.W., northwest on Pennsylvania Avenue, north on 14th Street, west on H Street, north on 18th Street, east on L Street to ter-

minal stand on L Street, N.W.; continue east on L Street, south on 14th Street, southeast on Pennsylvania Avenue to 11th Street, N.W.

As previously mentioned, the Certificates of Public Convenience and Necessity held by A. B. & W. and WMA authorize, in part, transportation of passengers between Washington, D.C., and Virginia, and between Washington, D.C., and Maryland, respectively. No changes are contemplated in either of these Certificates. It is considered that the issuance of Route Authorizations will suffice to grant authority for the route extensions in Washington, D.C., under Section 4(e), Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact. This section is shown in Appendix II.

#### RECOMMENDATIONS

It is recommended that:

1. The Commission find that public convenience and necessity require Alexandria, Barcroft and Washington Transit Company and WMA Transit Company to extend their existing service to serve the area in the vicinity of 17th & K Streets, N.W.
2. Authority be granted by Route Authorization.

#### APPENDIX I

The postal cards used for the survey were addressed to the Washington Metropolitan Area Transit Commission and the questionnaires worded as follows:

Dear Bus Patron:

The Washington Metropolitan Area Transit Commission wishes to determine whether the routes of your bus company should be extended farther into the city.

To assist us, would you kindly answer the questions below and return this card to your operator or mail before April 1, 1965.

1. What is the nearest intersection to your home?  
(regardless of bus route)

---

2. What is the nearest intersection to your place of  
employment? (regardless of bus route)

---

3. At what time would you desire your bus to arrive  
at your downtown destination?

---

THANK YOU

-----  
APPENDIX II

WASHINGTON METROPOLITAN AREA  
TRANSIT REGULATION COMPACT

Section 4(e), Article XII, Title II

(e) The Commission may, if it finds that the public convenience and necessity so require, require any person subject to this Act to extend any existing service or provide any additional service over additional routes within the Metropolitan District; provided, however, that no certificate shall be issued to operate over the routes of any holder of a certificate until it shall be proved to the satisfaction of the Commission, after hearing, upon reasonable notice, that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience; and provided, further, if the Commission shall be of opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to operate over such route; and further provided that no person subject to the Act may be required to extend any existing service or provide an additional serv-



ice over additional routes within the Metropolitan District unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to this Act.

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[Exhibit 2]

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

No. 11

ALEXANDRIA, BARCROFT AND WASHINGTON TRANSIT  
COMPANY, ALEXANDRIA, VIRGINIA

At a session of the Washington Metropolitan Area Transit Commission held on the 12th day of August, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that this certificate does not authorize any intrastate transportation in Virginia:

REGULAR ROUTES:

Passengers and their baggage, and express, newspapers, and mail in the same vehicles with passengers, over regular routes.

Between Washington, D.C. and Virginia; between Washington, D.C., Maryland and Virginia, serving all intermediate points; restricted however, unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland and the District of Columbia, as follows:

- The indicated portion of U.S. Highway No. 1 and except those on*
- No. 1 From Fort Belvoir, Virginia, over U.S. Highway No. 1 to junction Virginia Highway No. 617, thence over Virginia Highway No. 617 to junction Virginia Highway No. 350 (Shirley Memorial Highway), thence over Virginia Highway 350 to Washington, D.C., and return over the same route. Service is authorized to and from all intermediate points except those on Virginia Highway No. 617 within one-fourth mile of U.S. Highway No. 1.
  - No. 2 From Fort Belvoir, Virginia over U.S. Highway No. 1 to Washington, D.C., and return over the same route.
  - No. 3 From Mount Vernon, Virginia over Mount Vernon Memorial Highway to the Arlington Memorial Bridge, thence over the Arlington Memorial Bridge to Washington, D.C., and return over the same route.
  - No. 4 From Annandale, Virginia over Virginia Highway No. 244 (Columbia Pike) and access roads in the area of the Navy Annex and the Pentagon Building to junction U.S. Highway No. 1, and return over the same route.
  - No. 5 From junction U.S. Highway No. 1 (Jefferson Davis Highway) and Woodrow Wilson Bridge approach, Alexandria, over Woodrow Wilson Bridge to junction Anacostia Freeway, thence over Anacostia Freeway to Washington, D.C., and return over the same route.
  - No. 6 From junction Woodrow Wilson Bridge, Anacostia Freeway, and Capital Beltway, Maryland, over Capital Beltway

to junction Maryland Highway No. 210 (Indian Head Highway), thence over Maryland Highway No. 210 to Washington, D.C., and return over the same route.

RESTRICTION: No passengers shall be transported over the routes authorized in paragraphs 5 and 6 between any two points in Maryland, or between points in Maryland and points in the District of Columbia.

- No. 7 From Washington, D.C. across Arlington Memorial Bridge to Arlington Memorial Avenue, thence over Arlington Memorial Avenue to junction Arlington Ridge Road, thence over Arlington Ridge Road to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 8 From junction Virginia Highway No. 7 and Glen Carlyn Road over Virginia Highway No. 7 to Alexandria, Virginia, and return over the same route.
- No. 9 From junction Virginia Highway No. 7 and Payne Street over Payne Street to junction Seminary Road, thence over Seminary Road to Alexandria, Virginia and return over the same route.
- No. 10 From Alexandria, Virginia, over Lincolnia Road to junction Virginia Highway No. 713, and return over the same route.
- No. 11 From Alexandria, Virginia, over North Chambliss Street to junction Lincolnia Road, thence over Lincolnia Road to junction Virginia Highway No. 713 thence over Virginia Highway No. 713 to junction Virginia Highway No. 236, and return over the same route.
- No. 12 From Alexandria, Virginia, over Virginia Highway No. 236 (Duke Street), to junction U.S. Route No. 495 (Capital Beltway), and return over the same route.
- No. 13 From the south end of 14th Street Bridge near the junction of Mount Vernon Memorial Highway over "C" Roadway and Bridge 18 to junction "S" Roadway, thence over "S" Roadway to Jefferson Davis Highway.

- No. 14 From the junction of Jefferson Davis Highway and "N" Roadway over "N" Roadway to junction "D" Roadway, thence over "D" Roadway to the south end of 14th Street Bridge near Mount Vernon Memorial Highway.
- No. 15 From the south end of 14th Street Bridge near Mount Vernon Memorial Highway over "C" Roadway, thence over Ramp to South Parking Area, thence via South Parking Area to entrance to Classification Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard to South Parking Area, thence over Ramp to "H" Roadway, thence over "H" Roadway to Ramp, thence over Ramp to "C" Roadway, thence over "C" Roadway to "J" Roadway, thence over "J" Roadway to junction Arlington Ridge Road.
- No. 16 From junction Arlington Ridge Road and "K" Roadway over "K" Roadway to "D" Roadway, thence over "D" Roadway over Bridge 11, thence down Ramp and under Bridge 11 to South Parking Area, thence through South Parking Area to entrance to Classification Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard, thence over Ramp to "H" Roadway, thence over "H" Roadway under Bridge 10 to Ramp to "D" Roadway, thence over Ramp to "D" Roadway, thence over "D" Roadway to south end of 14th Street Bridge near Mount Vernon Memorial Highway.
- No. 17 From junction Arlington Memorial Avenue and Bridge 1 to Ramp, thence over Ramp to "H" Roadway, thence over "H" Roadway to Ramp and over Ramp to Bridge 9, thence over Bridge 9 to Classification Yard, thence over Columbia Pike to Ramp, thence over Ramp to "B" Roadway, thence over "F" Roadway to "C" Roadway, thence over "C" Roadway to "J" Roadway, thence over "J" Roadway to junction Arlington Ridge Road.
- thence over "B" Roadway to "F" Roadway*  
No. 18 From junction Arlington Ridge Road and "K" Roadway over "K" Roadway to "D" Roadway, thence over "D" Roadway to "E" Roadway, thence over "E" Roadway under Bridge 13 to "A" Roadway, thence over "A" Roadway to cut-off east of Bridge 14 to Columbia Pike, thence over

Columbia Pike and through South Parking Area to entrance to Classification Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard and over Bridge 8 to Ramp, thence over Ramp to "H" Roadway, thence over "H" Roadway to Ramp, thence over Ramp to Arlington Memorial Avenue.

- No. 19 From junction Virginia Highway 244 (Columbia Pike) and South Orme Street over South Orme Street to junction South Gate Road, thence over South Gate Road to junction Arlington Ridge Road, and return over the same route.
- No. 20 From junction Arlington Ridge Road and north entrance to Arlington Farms over Arlington Farms Roadway to junction Arlington Ridge Road and south entrance to Arlington Farms, and return over the same route.
- No. 21 From junction Arlington Ridge Road and center entrance to Arlington Farms over Arlington Farms Roadway to Recreation Hall Circle, and return over the same route.
- No. 22 From junction "A" Roadway and Ramp over Ramp to Columbia Pike at South Gate Road.
- No. 23 From junction Columbia Pike and South Rolfe Street over "F" Roadway to junction "B" Roadway, thence over "B" Roadway to junction "D" Roadway, thence over "D" Roadway to Bridge 10.
- No. 24 From junction "A" Roadway and "C" Roadway over "A" Roadway and Bridge 14 to Ramp, thence over Ramp to Columbia Pike.
- No. 25 From Shirley Memorial Highway to and under Bridge 16, thence over "D" Roadway to junction "B" Roadway, thence over "B" Roadway to Memorial Circle.
- No. 26 From west end of Memorial Bridge to right turn at Memorial Circle to "B" Roadway, thence over "B" Roadway to junction "U" Roadway, thence over "U" Roadway to junction "A" Roadway, thence over "A" Roadway to junction "C" Roadway, thence over "C" Roadway to junction Shirley Highway.



- No. 27 From junction Mount Vernon Memorial Highway and "T" Roadway over "T" Roadway to junction "B" Roadway.
- No. 28 From junction "A" Roadway and "R" Roadway over "R" Roadway to junction Mount Vernon Memorial Highway.
- No. 29 From junction Army-Navy Drive and Ramp over Ramp to "D" Roadway.
- No. 30 From junction South Parking Roadway and Ramp over to ~~"D" Roadway.~~ *ramp to "C" Roadway over Bridge 11.*
- No. 31 From junction "H" Roadway and Ramp to Bridge 9 over "H" Roadway to junction Bridge 8.
- No. 32 From junction "C" Roadway and Ramp over Ramp to "H" Roadway at Bridge 8.
- No. 33 From "D" Roadway and Ramp over Ramp to Jefferson Davis Highway.
- No. 34 From junction Jefferson Davis Highway and "H-4" Roadway over "H-4" Roadway to junction "H" Roadway, thence over "H" Roadway to Ramp, thence over Ramp to "C" Roadway.
- No. 35 From Bridge 10 over "H-3" Roadway to Jefferson Davis Highway.
- No. 36 From "H" Roadway and Ramp over Ramp to "A" Roadway.
- No. 37 From under Bridge 8 over Ramp to Classification Yard.
- No. 38 From "H" Roadway under Bridge 10 to Ramp to Roadway from Classification Yard.
- No. 39 From "H" Roadway under Bridge 8 to Ramp from Classification Yard.
- No. 40 From "H" Roadway and Ramp to Bridge 9, thence under Bridge 8 to Ramp from Classification Yard.
- No. 41 From junction Mount Vernon Memorial Highway and Smith Boulevard — National Airport Roadway, South Entrance — over Smith Boulevard (Airport Roadway) to junction Mount Vernon Memorial Highway and Smith Boulevard — Nation-

al Airport Roadway, North Entrance, and return over the same route.

- No. 42 From junction Army-Navy Drive and South Fern Street, over South Fern Street to junction South 15th Street, thence over South 15th Street to junction Abingdon Drive, thence via Abingdon Drive around Building T-7 to junction South 15th Street and Mount Vernon Memorial Highway, and return over the same route.
- No. 43 From junction South Glebe Road and Army-Navy Drive over Army-Navy Drive to junction U.S. Highway No. 1 and return over the same route.
- No. 44 From junction Army-Navy Drive and South Lynn Street over South Lynn Street to junction Arlington Ridge Road, thence over Arlington Ridge Road to Alexandria, Virginia, and return over the same route.
- No. 45 From junction Army-Navy Drive and South Joyce Street over South Joyce Street to junction South 15th Street, thence over South 15th Street to junction South Fern Street, and return over the same route.
- No. 46 From junction South 23rd Street and South Eads Street over South Eads Street to junction South 15th Street and return over the same route.
- No. 47 From junction South 20th Street and South Hayes Street over South Hayes Street to Bridge 11 and return over the same route.
- No. 48 From junction Arlington Ridge Road and South 20th Street over South 20th Street to junction U.S. Highway No. 1 and return over the same route.
- No. 49 From junction Army-Navy Drive and South 23rd Street over South 23rd Street to junction U.S. Highway No. 1 and return over the same route.
- No. 50 From junction South Glebe Road and South Meade Street over South Meade Street to junction South 28th Street, thence over South 28th Street to junction South 26th Street,

*thence over South  
Adams Street*

thence over South 26th Street to junction South Wayne Street, thence over South Wayne Street to junction South 27th Street, thence over South 27th Street to junction South Adams Street, to junction Army-Navy Drive, and return over the same route.

- No. 51 From junction South Glebe Road and South 27th Street over South 27th Street to junction South Adams Street, and return over the same route.
- No. 52 From junction South Glebe Road and South 26th Street over South 26th Street to junction South Wayne Street, and return over the same route.
- No. 53 From junction Virginia Highway No. 244 (Columbia Pike) and South Glebe Road over South Glebe Road to junction U.S. Highway No. 1, and return over the same route.
- No. 54 Shirlington Rotary in its entirety.
- No. 55 From junction South 31st Street and South Randolph Street over South Randolph Street to junction Arlington Mill Drive and return over the same route.
- No. 56 From junction Shirlington Road and South 29th Street over South 29th Street to junction South Quincy Street and return over the same route.
- No. 57 From junction Shirlington Road and South 28th Street over South 28th Street to junction South Randolph Street and return over the same route.
- No. 58 From junction South 29th Street and Shirlington Road over Shirlington Road to junction South Kenmore Street, thence over South Kenmore Street to South Walter Reed Drive, thence over South Walter Reed Drive to junction South Glebe Road and return over the same route.
- No. 59 From junction Shirlington Road and South 24th Road over South 24th Road to junction South Glebe Road, and return over the same route.
- No. 60 From junction Virginia Highway No. 7 and Quaker Lane over Quaker Lane to junction Virginia Highway No. 350

(Shirley Memorial Highway) and return over the same route.

- No. 61 From junction Virginia Highway No. 7 and South Wakefield Street over South Wakefield Street to junction South 34th Street, thence over South 34th Street to junction South Utah Street, thence over South Utah Street to junction South 36th Street, and return over the same route.
- No. 62 From junction South Wakefield Street and South 36th Street over South 36th Street to junction Quaker Lane and return over the same route.
- No. 63 From junction South 36th Street and South Stafford Street over South Stafford Street to junction South 32nd Road, thence over South 32nd Road to junction Quaker Lane, and return over the same route.
- No. 64 From junction Quaker Lane and South 33rd Street over South 33rd Street to junction South Stafford Street and return over the same route.
- No. 65 From junction South Utah Street and South 34th Street over South 34th Street to junction South Stafford Street, and return over the same route.
- No. 66 From junction Quaker Lane and South Utah Street over South Utah Street to junction South Stafford Street, thence over South Stafford Street to junction South 32nd Road, thence over South 32nd Road to junction South Utah Street, thence over South Utah Street to junction South 34th Street, thence over South 34th Street to access roads across Shirley Memorial Highway to junction South Abingdon Street, thence over South Abingdon Street to junction South 31st Street, and return over the same route.

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- No. 67 From junction Virginia Highway No. 7 and South 31st Street over South 31st Street to junction South Quincy

Street, thence over South Quincy Street to junction Arlington Mill Drive, and return over the same route.

- No. 68 From junction Virginia Highway No. 7 and South 28th Street over South 28th Street to junction South Columbus Street, thence over South Columbus Street to junction South 29th Street, thence over South 29th Street to junction South Buchanan Street, thence over South Buchanan Street to junction South 31st Street, and return over the same route.
- No. 69 From junction South 29th Street and South Buchanan Street over South Buchanan Street to junction South 27th Road, and return over the same route.
- No. 70 From junction South 31st Street and South Columbus Street over South Columbus Street to junction South 28th Street, and return over the same route.
- No. 71 From junction South Buchanan Street and South 30th Street over South 30th Street to junction Virginia Highway No. 7, and return over the same route.
- No. 72 From junction South Walter Reed Drive and South Wakefield Road over South Wakefield Road to junction South 28th Road, and return over the same route.
- No. 73 From junction Virginia Highway No. 7 and South Walter Reed Drive over South Walter Reed Drive to junction Arlington Mill Drive, thence over Arlington Mill Drive to junction Shirlington Road, and return over the same route.
- No. 74 From junction Columbia Pike and South Cleveland Street over South Cleveland Street to junction South 11th Road, thence over South 11th Road to junction South Barton Street and return over the same route.
- No. 75 From junction South Edgewood Street and South 13th Road over South 13th Road to junction South Barton Street, and return over the same route.
- No. 76 From junction Columbia Pike and South Barton Street over South Barton Street to junction South 16th Street, thence



over South 16th Street to junction South Edgewood Street, and return over the same route.

- No. 77 From junction South Walter Reed Drive and South 16th Street over South 16th Street to junction South Edgewood Street, thence over South Edgewood Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 78 From junction South 16th Street and South Highland Street over South Highland Street to junction South 14th Street, and return over the same route.
- No. 79 From junction South Glebe Road and South 14th Street over South 14th Street to junction South Walter Reed Drive and return over the same route.
- No. 80 From junction South Glebe Road and South Walter Reed Drive over South Walter Reed Drive to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 81 From junction South Glebe Road and South 14th Street over South 14th Street to junction South Quincy Street, thence over South Quincy Street to junction South 16th Street, and return over the same route.
- No. 82 From junction South Glebe Road and South 18th Street over South 18th Street to junction South Quincy Street, thence over South Quincy Street to junction South 16th Street, thence over South 16th Street to junction South Glebe Road, and return over the same route.
- No. 83 From junction South Quincy Street and South 16th Street over South 16th Street to junction South Vermont Street thence over South Vermont Street to junction South 18th Street, thence over South 18th Street to junction South Four Mile Run Drive, thence over South Four Mile Run Drive to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 84 From junction South Four Mile Run Drive and South Wakefield Street over South Wakefield Street to junction South

4th Street, thence over South 4th Street to junction South Taylor Street, thence over South Taylor Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.

- No. 85 From junction South Wakefield Street, and South 9th Street over South 9th Street to junction South Taylor Street, and return over the same route.
- No. 86 From junction South Wakefield Street and South 8th Street over South 8th Street to junction South Buchanan Street, thence over South Buchanan Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 87 From junction Virginia Highway No. 7 and Hardin Street over Hardin Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 88 From junction Virginia Highway No. 7 and Glen Carlyn Road over Glen Carlyn Road to junction South 5th Street, thence over South 5th Street to junction South Carlyn Springs Road, thence over South Carlyn Springs Road to junction South 8th Road, thence over South 8th Road to junction South Greenbrier Street, thence over South Greenbrier Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 89 From junction Glen Carlyn Drive and Vista Drive over Vista Drive to junction Lake Street, thence over Lake Street to junction Knollwood Drive, and return over the same route.
- No. 90 From junction Virginia Highway No. 7 and Carlyn Court, over Carlyn Court to junction Argyle Drive, thence over Argyle Drive to junction Glen Carlyn Drive, thence over Glen Carlyn Drive to junction Knollwood Drive, thence over Knollwood Drive to junction Lake Street, thence over Lake Street to junction Tyler Street, thence over Tyler Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.

- No. 91 From junction Virginia Highway No. 236 and Heritage Drive, over Heritage Drive to junction Americana Drive, thence over Americana Drive to Apartment's Parking Lot, and return over the same route.
- No. 92 From junction Virginia Highway No. 236 and U.S. Highway No. 495 (Capital Beltway) over U.S. Highway No. 495 (Capital Beltway) east to junction U.S. Highway No. 1 (Jefferson Davis Highway), and return over the same route.
- \*No. 93 From junction Virginia Highway No. 236 and Ravensworth Road over Ravensworth Road to junction Braddock Road, thence over Braddock Road to junction Queensbury Avenue, thence over Queensbury Avenue to junction Heming Avenue, thence over Heming Avenue to junction Elgar Street, thence over Elgar Street to junction Garner Street, thence over Garner Street to junction Chatham Street, thence over Chatham Street to junction Glenallen Street, thence over Glenallen Street to junction Leesville

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- Boulevard, thence over Leesville Boulevard to junction Backlick Road, thence over Backlick Road to junction Columbia Pike, and return over the same route.
- No. 94 From junction Virginia Highway No. 244 and Virginia Highway No. 617 over Virginia Highway No. 617 to junction Virginia Highway No. 644, thence over Virginia Highway No. 644 to junction Virginia Highway No. 643, thence over Virginia Highway No. 643 to junction Virginia Highway No. 645, thence over Virginia Highway No. 645 to junction Virginia Highway No. 652, thence over Virginia Highway No. 652 to Burke, Virginia, Airport, and return over the same route.
- No. 95 From junction Virginia Highway No. 350 and proposed Burke, Virginia, Airport Access Road over proposed Burke, Virginia, Airport Access Road to Burke, Virginia, Airport, and return over the same route.

- No. 96 From junction Backlick Road and Edsall Road over Edsall Road to junction Beryl Road, thence over Beryl Road to junction Sheldon Drive, thence over Sheldon Drive to junction Indian Run Parkway, thence over Indian Run Parkway to junction Edsall Road, thence over Edsall Road to junction Beryl Road, and return over the same route.
- No. 97 From junction Franconia Road and Frontier Street over Frontier Street to junction Buckskin Street, thence over Buckskin Street to junction Pioneer Drive, thence over Pioneer Drive to junction Franconia Road, and return over the same route.
- No. 98 From junction Telegraph Road and Franconia Road over Franconia Road to junction Keene Mill Road, thence over Keene Mill Road to junction Hanover Avenue, thence over Hanover Avenue to junction Floyd Avenue, thence over Floyd Avenue to junction Backlick Road, and return over the same route.
- No. 99 From junction Duke Street and Telegraph Road over Telegraph Road to junction Franconia Road, and return over the same Route.

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- No. 100 From junction Huntington Avenue, Telegraph Road and North Kings Highway over North Kings Highway to junction U.S. Highway No. 1, and return over the same route.
- No. 101 From junction U.S. Highway No. 1 and Huntington Avenue over Huntington Avenue to junction Telegraph Road, and return over the same route.
- No. 102 From junction U.S. Highway No. 1 and Old U.S. Highway No. 1, over Old U.S. Highway No. 1 to junction Huntington Avenue, and return over the same route.
- No. 103 From junction Fort Hunt Road and Belleview Boulevard, over Belleview Boulevard to junction Mount Vernon Memorial Highway, and return over the same route.
- No. 104 From junction Belleview Boulevard and Potomac Avenue over Potomac Avenue to junction River Towers Roadway,

thence over River Towers Roadway to junction West Wakefield Street, thence over West Wakefield Street to junction Belleview Boulevard, and return over the same route.

No. 105 From junction Windsor Avenue and Belle Haven Road over Belle Haven Road to junction Mount Vernon Memorial Highway, and return over the same route.

No. 106 From junction Fort Hunt Road and G Street, over G Street to junction Potomac Avenue, thence over Potomac Avenue to junction Belle Haven Road, and return over the same route.

\*No. 107 From junction Belle Haven Road and Windsor Avenue over Windsor Avenue to junction Olmi-Landrith Drive, thence over Olmi-Landrith Drive to junction Cavalier Drive, thence over Cavalier Drive to junction Belleview Boulevard, thence over Belleview Boulevard to junction Swarthmore Drive, thence over Swarthmore Drive to junction Dartmouth Drive, thence over Dartmouth Drive to junction Duke Drive, thence over Duke Drive to junction Sweetbriar Drive, thence over Sweetbriar Drive to junction Radcliffe Drive, thence over Radcliffe Drive to junction Mary Baldwin Drive, thence over Mary Baldwin Drive to junction Kenyon Drive, thence over Kenyon Drive to

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junction Beacon Hill Road, thence over Beacon Hill Road to junction Smithway Drive, thence over Smithway Drive to junction Mary Baldwin Drive, thence over Mary Baldwin Drive to junction Radcliffe Drive, thence over Radcliffe Drive to junction Rollins Drive, thence over Rollins Drive to junction Columbia Drive, thence over Columbia Drive to junction Quander Road, thence over Quander Road to junction Williams Drive, thence over Williams Drive to junction Belle View Boulevard, thence over Belle View Boulevard to junction Cavalier Drive, thence over Cavalier Drive to junction Cornell Drive, and return over the same route.



- No. 108 From junction Mount Vernon Memorial Highway and Vernon View Drive (Virginia Highway No. 629) over Vernon View Drive (Virginia Highway No. 629), to junction Fort Hunt Road (Virginia Highway No. 629), thence over Fort Hunt Road (Virginia Highway No. 629), to junction U.S. Highway No. 1 (Jefferson Davis Highway), and return over the same route.
- No. 109 From junction U.S. Highway No. 1 and Virginia Highway No. 235 over Virginia Highway No. 235 to junction Mount Vernon Memorial Highway at Mount Vernon, Virginia, and return over the same route.
- No. 110 Over all interchange points and access and interchange routes where traversal is required in the performance of transportation service over routes authorized herein.
- No. 111 From junction Virginia Highway No. 617 and Virginia Highway No. 350 (Shirley Memorial Highway), over Virginia Highway No. 350 to junction Virginia Highway No. 642, thence over Virginia Highway No. 642, to junction Virginia Highway No. 123, thence over Virginia Highway No. 123 to D.C. Department of Corrections, Workhouse Division, Occoquan, Virginia and return over the same route.

NOTE: The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

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#### IRREGULAR ROUTES:

Passengers and their baggage:

##### (A) CHARTER OPERATIONS:

Round-trip or one-way;

- (1) From points in Washington, D.C., the City of Alexandria, that portion of Arlington County on, south and east of

U.S. Highway 50, and that part of Fairfax County on, south and east of a line beginning at the intersection of U.S. Highway 50 and the Fairfax-Arlington Counties boundary line, west on U.S. Highway 50 to its intersection with the Capital Beltway (U. S. Interstate Highway 495), thence south on the Capital Beltway (U.S. Interstate Highway 495) at its intersection with Virginia State Highway 236, thence west on Virginia State Highway 236 to its intersection with Virginia State Highway 651, thence south on Virginia State Highway 651 to its intersection with Virginia State Highway 620, thence west on Virginia State Highway 620 to its intersection with U.S. Highway 29-211, and thence west on U.S. Highway 29-211 to the intersection of the Fairfax and Loudoun Counties boundary line, to points in the Metropolitan District.

(2) From points on its routes, and a territory within one mile thereof, in Prince Georges County, Maryland, to points within the Metropolitan District.

(3) From the Dulles International Airport, Virginia to points within the Metropolitan District.

(B) SPECIAL OPERATIONS:

Round-trip or one-way;

(1) Between points on its regular routes in Virginia authorized herein, on the one hand, and points within the District of Columbia, on the other.

(2) Between points in the District of Columbia; restricted so that no daily nor regularly scheduled sightseeing operations shall be conducted between points in the District of Columbia.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

[16] The operating authority granted by this Certificate is granted pursuant to Order No. 367.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

[1]

[Exhibit 3]

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 8

W M A TRANSIT COMPANY  
BRADBURY HEIGHTS, MARYLAND

At a session of the Washington Metropolitan Area Transit Commission held on the 12th day of August, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that

this certificate does not authorize any intrastate transportation in Virginia:

REGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passengers.

- (A) Between Washington, D.C., and points in Maryland; and between points in Maryland, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in the District of Columbia.

- No. 1 From Washington, D.C. over city streets to Southern Avenue, thence over Business Maryland Route 4, 57th Avenue, Maryland Routes 214, 389, 704, Greenleaf Road, 82nd Avenue, Barlowe Road, Maryland Route 202, Prince Georges Avenue, Hawthorne Street, 73rd Avenue, Forest Road, 74th Avenue to Kent Village, and return over the same route.
- [2] No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.
- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.

- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.
- No. 7 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker Road, Bock Road, Hempstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.
- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- No. 9 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Birchwood Drive, Fenwood Avenue, Galloway Drive, [3] Birchwood Drive, Livingston Road, Wentworth Drive, Haven Avenue, Shelby Drive, Leyte Drive, Lindsay Road, Vinson Street, Wilmette Drive to Southlawn and return over the same route.
- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D.C. over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D.C. over city streets to Southern Avenue, thence over Business Maryland 4 57th Avenue, Mary-



land Route 214 to Beverley Beach and return over the same route.

- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.
- No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.
- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 <sup>and</sup> ~~ans~~ 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.
- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, [4] Maryland Route 414, Temple Hills Road, Fisher Road, David Drive, Janice Lane, Norris Drive to Temple Hills and return over the same route.
- No. 20 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, Marlow Heights Shopping Center Service Road, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, Maryland Route 414, Temple Hills Road, Fisher Road, David Drive, Janice Lane, Norris Drive to Temple Hills, and return over the same route.

- No. 21 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 210, Livingston Road, Old Fort Road, Jefferson Street, Madison Place, Monroe Street, Livingston Road, Maryland Routes 210, 227, Bryan's Station Road, Maryland Routes 225, 210 to Indian Head and return over the same route.
- No. 22 From junction of Maryland Routes 210 and 227, over Maryland Route 227 to Marshall Hall and return over the same route.
- No. 23 From Washington, D.C. over city streets to Southern Avenue, thence over Business Maryland Route 4, Gateway Boulevard, 72nd Avenue, Business Maryland Route 4, Maryland Routes 534, 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 24 From junction of Maryland Route 534 and Business Maryland Route 4, over Maryland Route 534 to Maryland Route 221 and return over the same route.
- No. 25 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 4, Maryland Avenue, Park-Berkshire Drive, Maryland Avenue, Maryland Route 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 26 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Routes 218, 337, Auth Road, Carswell Avenue, Maxwell Avenue, Maryland Route 337 to Andrews Air Force Base and return over the same route.
- [5] No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.
- No. 28 From Washington, D.C. over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road,

Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.

- No. 29 From junction of Maryland Route 193 and Edmonston Road, over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.
- No. 30 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 31 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varnum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road, over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.
- No. 35 From junction of Southern Avenue and South Capital Street, over Southern Avenue, Oakcrest Drive to Southview Apartments and return over the same route.
- [6] No. 36 From junction of Southern Avenue and South Capital Street, over Maryland Route 210, Parkway Drive, Seneca Drive, Oneida Way, Rolph Way, Woodland Drive, Parkway Drive, Maryland Route 210, Kirby Hill Road, Oxon Hill Road to Kirby Hill and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia serving all intermediate points as follows:

- (1) Along Pennsylvania Avenue, S.E., east of the Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E. from Pennsylvania Avenue, S.E. to Suitland Road, S.E.
- (3) Along Suitland Road, S.E. from 38th Street, S.E. to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E. from 38th Street, S.E. to Bowen Road, S.E.
- (6) Along Bowen Road, S.E. from Alabama Avenue, S.E. to Southern Avenue.
- (7) Along Benning Road, S.E. from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E. from Benning Road, S.E. to H Street, S.E.
- (9) Along H Street, S.E. from Hanna Place, S.E. to Alabama Avenue, S.E.
- (10) Along Alabama Avenue, S.E. from H Street, S.E. to Hillside Road, S.E.
- (11) Along Hillside Road, S.E. from Alabama Avenue, S.E. to Benning Road, S.E.
- (12) Along Ridge Road, S.E. from Bowen Road, S.E. to Southern Avenue.

(C) Between points within the District of Columbia west of 60th and East Capital Streets, N.E. and points within the District of Columbia, serving all intermediate points as follows:

- (1) Along East Capital Street from 60th Street, N.E. to Southern Avenue.
  - (2) Along 63rd Street, N.E. from Southern Avenue to Eastern Avenue.
  - (3) Along Southern Avenue from 63rd Street, N.E. to Eastern Avenue.
  - (4) Along Eastern Avenue from 63rd Street, N.E. to Southern Avenue.
  - (5) Along Eastern Avenue from Addison-Chapel Road to Kenilworth Avenue.
- (D) Between the Downtown Terminal and South Capital Street at Firth [7] Sterling Avenue on Mondays thru Fridays, holidays excepted, during the periods of day when passenger service on South Capital Street at the parking lot is not provided by D.C. Transit System, Inc.

NOTE: The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

#### IRREGULAR ROUTES:

Passengers and their baggage;

##### (A) CHARTER OPERATIONS:

Round-trip or one-way;

- (1) From points in the District of Columbia to points in the Metropolitan District.
- (2) From points in that portion of Prince Georges County, Maryland, lying east of U.S. Highway 1 to points in the Metropolitan District.

##### (B) SPECIAL OPERATIONS:

Round-trip or one-way;



Between points on its regular routes, authorized herein, on the one hand, and points within the District of Columbia and Prince Georges County, Maryland on the other.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

[8] The operating authority granted by this Certificate is granted pursuant to Order No. 367 and also embraces and supersedes the operating rights previously set forth in Order No. 325.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

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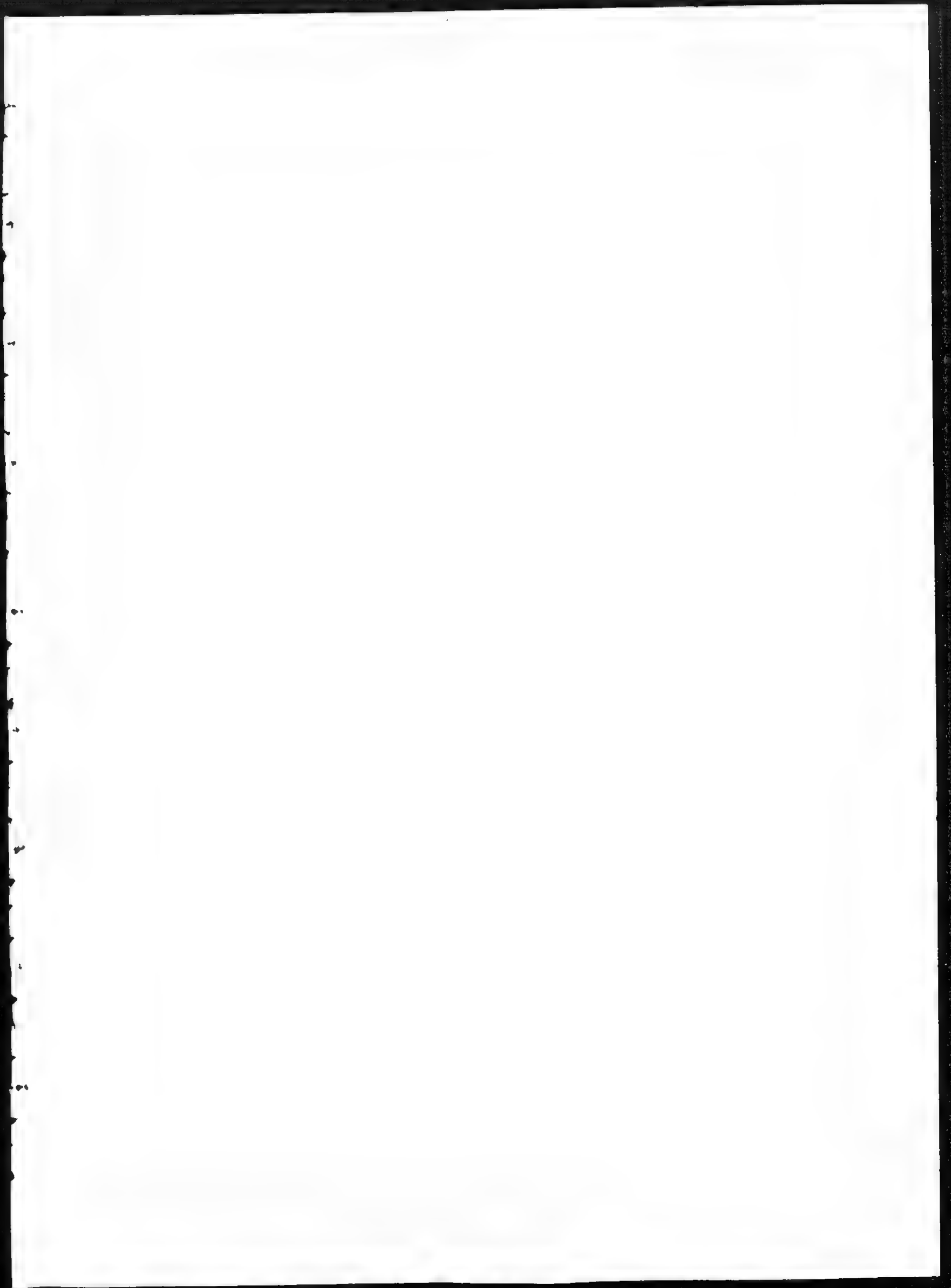
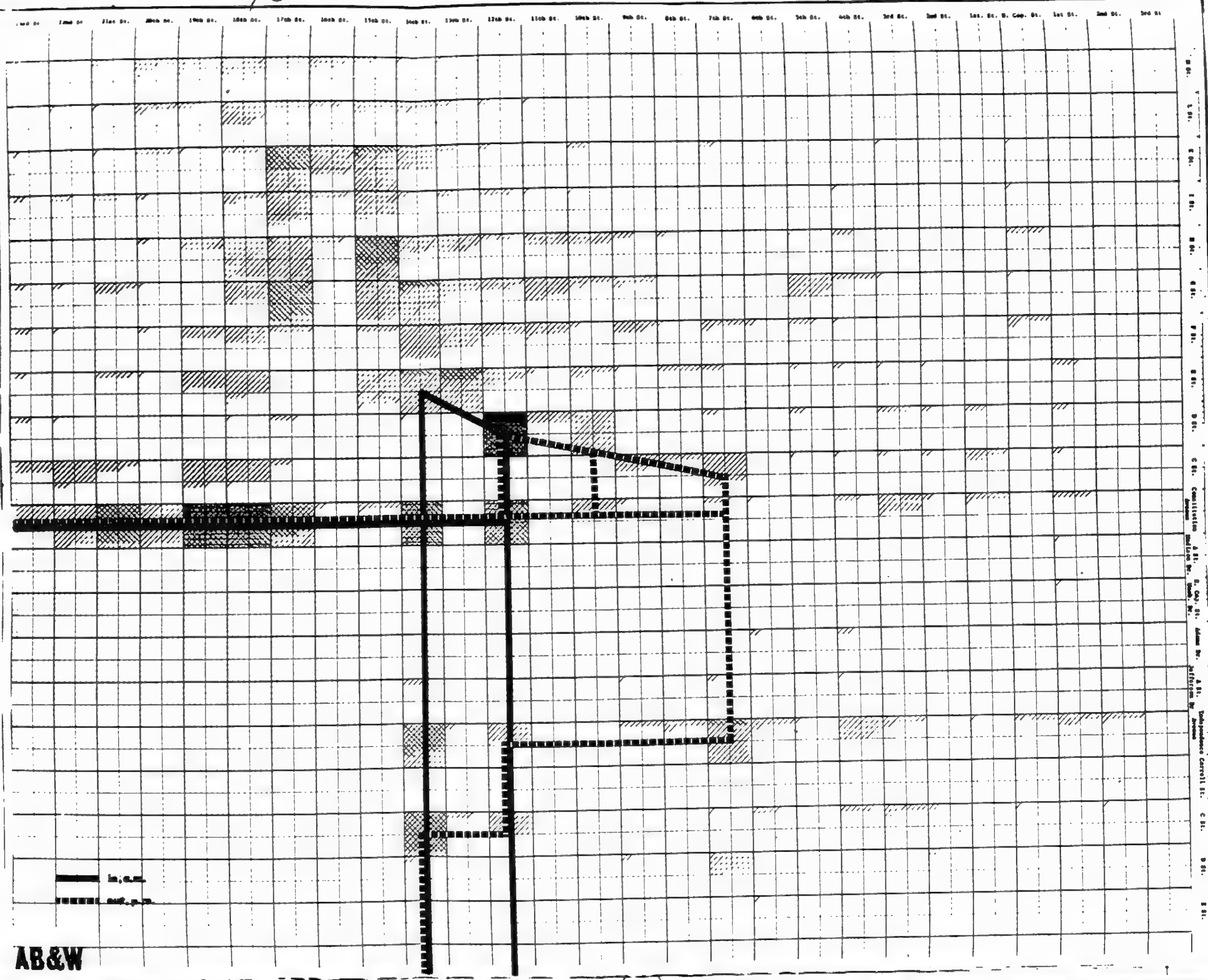


EXHIBIT No 4

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AB&W

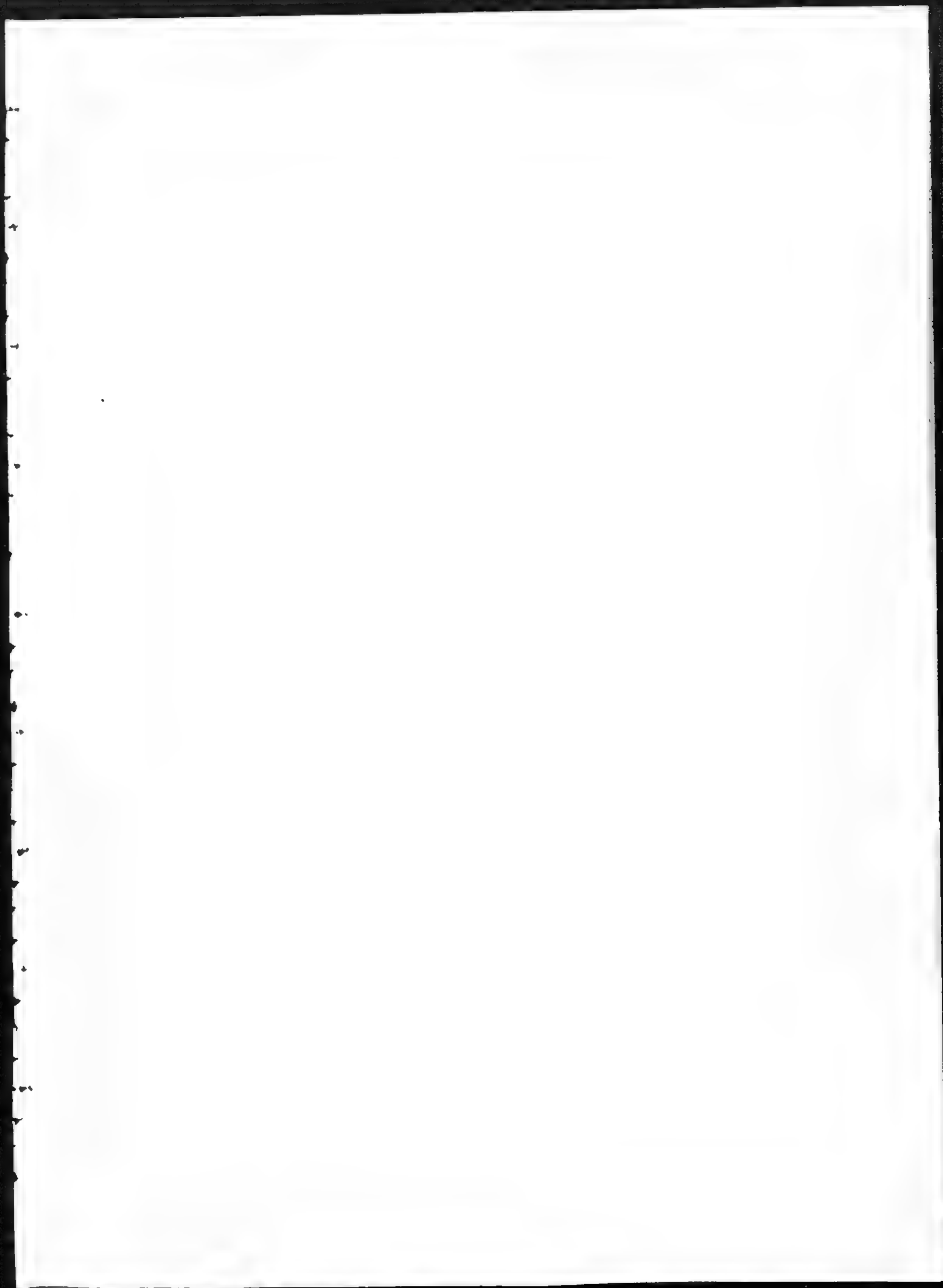
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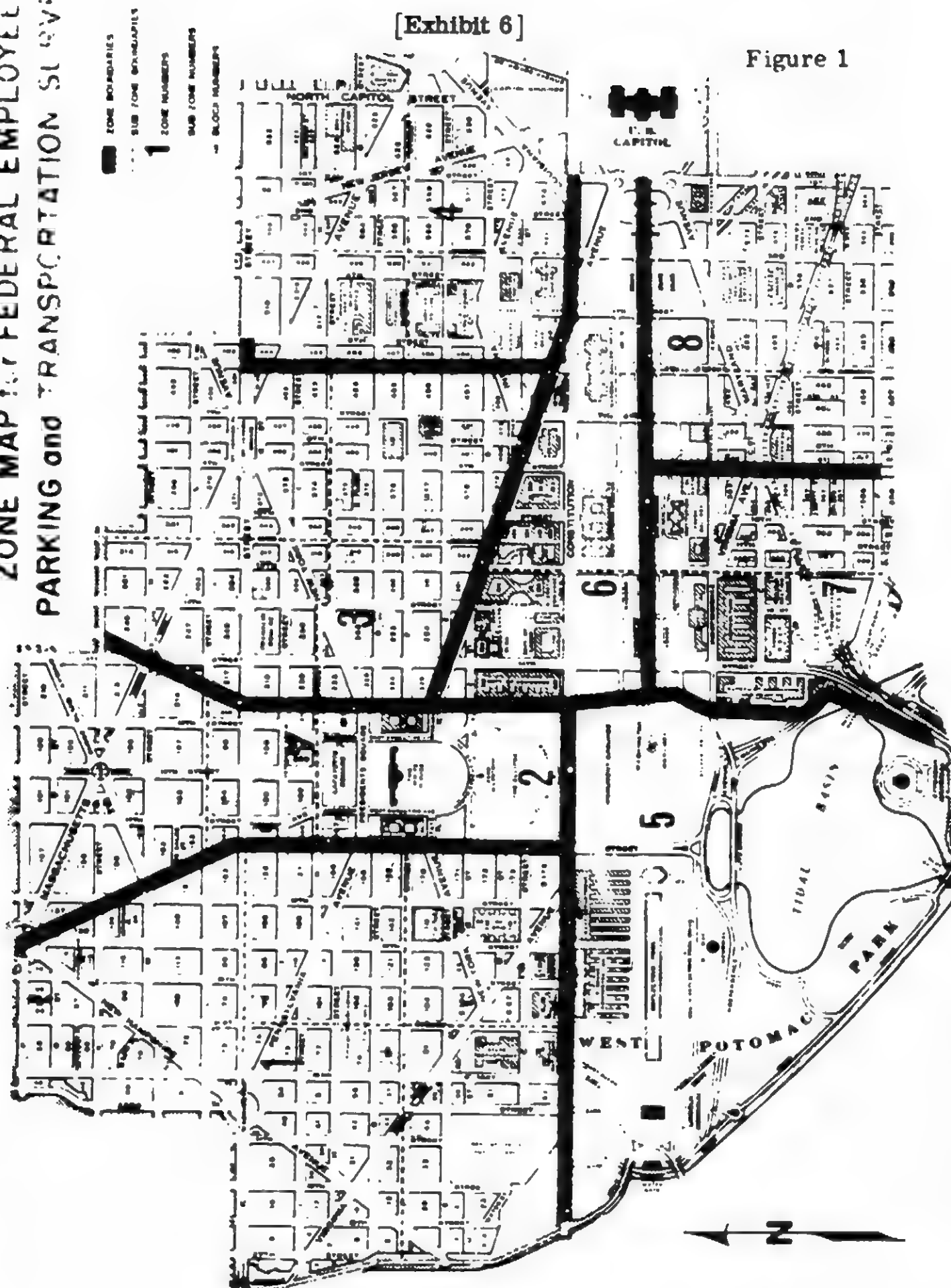




**ZONE MAP for FEDERAL EMPLOYEE  
PARKING and TRANSPORTATION SERVICES**

[Exhibit 6]

### Figure 1



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[1]

[Exhibit 8]

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
IN THE MATTER OF  
INVESTIGATION TO DETERMINE WHETHER WMA  
TRANSIT COMPANY AND ALEXANDRIA, BARCROFT AND  
WASHINGTON TRANSIT COMPANY SHOULD EXTEND  
BUS ROUTES IN WASHINGTON, D.C.

DOCKET NO. 91

STATEMENT BY RICHARD LAWSON,  
OPERATIONS MANAGER  
A. B. & W. TRANSIT COMPANY

The extension of the services of A. B. & W. Transit Company involves the consideration of a number of interrelated factors. These factors include, in part, a determination of the existence of a need for the proposed service and the convenience of the public to be served thereby. The carrier must weigh carefully the cost directly associated with the extension in service and the probable revenues accruing from such services. The term "cost" includes not only the physical facilities required to render the proposed services, but the personnel in operation, maintenance and supervision.

Because the Washington Metropolitan District requires a high rush hour ratio of motor vehicles in comparison with service requirements for non-rush hour periods, extensions may and do require the acquisition of additional equipment for limited use only.

[2] . THE ISSUE OF PUBLIC CONVENIENCE AND NECESSITY

The alleged need for extended services by A. B. & W. Transit Company into the area involved in this docket is founded upon an inadequately controlled survey in which a limited sample was obtained. The average number of persons transported daily by A. B. & W. Transit Company in the so-called a.m. rush hour from points and places in the Com-

monwealth of Virginia to points and places in the District of Columbia is approximately 12,000. According to Exhibit 1 in this docket, approximately 11,000 postal card questionnaires were distributed to A.B. & W. patrons.

According to Exhibit 1, 4,336 cards were returned out of the 11,000 distributed. It is not unreasonable to conclude that the remaining 6,644 persons to whom cards were given were satisfied with existing A. B. & W. service.

Exhibit 1 further found that 61 percent of 2,645 passengers of A. B. & W. out of the 4,336 responding, were presently adequately served. According to this Commission's Chief Engineer and Director of its Engineering Department, 1,110 would be adequately served by an extension of A. B. & W. service over the route set out in Exhibit 1. This number represents 25.7 percent of those persons who returned a completed postal card inquiry. [3] It is significant that 581 persons, or 13.4 percent of those returning postal card inquiries, would still not be served adequately by the described extension of the A. B. & W. service.

In the examination of this Commission's Chief Engineer at the first hearing session of this docket on June 22, 1965, Mr. Overhouse, in referring to the route for A. B. & W. in Exhibit 1, declared that it was a tentative routing and not a firm recommendation. To quote Mr. Overhouse at page 45 of his testimony, he said,

"I think you will find that I have said this was a tentative routing and not a firm routing."

Mr. Overhouse conceded that were his tentative route altered after conferences with the Traffic and Highway Department of the District of Columbia, there could be variations in his analysis of the A. B. & W. passengers that might be adequately served by the final route. Mr. Overhouse stated, in response to questions, that the figure 1,110 appearing in Exhibit 1 as a statement of passengers that would be served by the route to 18th and L Streets, N.W., could be decreased or increased as the route changed.

At page 6 of the transcript of evidence in this docket, this Commission's Chief Engineer declared that the survey was taken from approximately 6:30 a.m. to 9:30 a.m. The embraced period of three hours included the transportation of 1,110 persons that would be served by an extension of the A.B. & W. route. More exact periods for the movement [4] of these persons are unknown. For example, it cannot be determined what percentage, if any, of the 1,110 persons desired to reach 18th and L at 8:30 a.m., 9:00 a.m., or even at 7:00 a.m. 1,110 persons do represent, however, approximately 16 bus loads with approved standee passengers under this Commission's loading restrictions.

To accommodate the 1,110 persons referred to by the Chief Engineer, I tentatively established an inbound schedule from points in Virginia over the described extended route for 16 trips between the period of 6:30 a.m. and 9:30 a.m., and a corresponding outbound schedule to Virginia from points and places in the District of Columbia on the extended route between the hours of 3:30 p.m. and 6:30 p.m. Were A. B. & W. directed to serve rush hour traffic only, it is the opinion of the management of A. B. & W. that service must be reasonably offered during the non-rush hour period. For this reason I tentatively scheduled additional inbound trips at approximately 30 minute intervals between 9:30 a.m. and 3:30 p.m., and conversely outbound trips between the same hours. My tentative scheduling also included several additional trips between 6:30 p.m. and 7:15 p.m. in both directions. This scheduling contemplates 45 trips in each direction.

Of course, it is not intended that all A. B. & W. buses entering the District of Columbia shall terminate at the proposed suggested terminal at 18th and L Streets in the District of Columbia. Thus it shall be necessary that a convenient transfer point or points be established to accommodate patrons on the vast majority of the A. B. & W. routes where none of the vehicles assigned to such routes are proposed to be operated to 18th and L Streets. This transfer problem is one that does not appear to have received any weighted consideration by this Commis-



sion's Chief Engineer, although the specifications of each A. B. & W. route is reported fully to this Commission.

It is optimistic, in my opinion, to believe that the 1,110 passengers referred to by the Chief Engineer to be served by the extended route will present themselves in relatively identical numbers at regular frequencies. It is probable and more likely, from our experience, that there will be peak periods within the so-called a.m. and p.m. rush hours.

If this be true, to accommodate the public conveniently, consistent with the present standards of service offered by A. B. & W., added trips in addition to the 45 that I have already described will be necessary. In this event more than the presently computed additional equipment will be required with attendant additional charges for personnel. It does not appear that the Chief Engineer gave consideration to these factors which are inherent in his proposal.

Again there does not appear to be any expressed concern with the re-routing of certain vehicles of A. B. & W. to provide the extended service, thus causing an undertermined inconvenience to many of the existing A. B. & W. patrons.

Based upon the foregoing schedules, my department has concluded [6] that it would require a minimum of four additional buses to provide the proposed schedules in the a.m. rush hours and five additional buses in the p.m. rush hours. The proposed schedules comprehend 222.8 additional miles per day, and my schedules have been developed on a week of five days only. Mr. George Snyder, the company's Certified Public Accountant who will testify after this testimony, has developed the costs accruing to A. B. & W. from the acquisition and operation of the additional equipment and miles. In addition to miles and equipment, the proposed service will require additional personnel. This factor will also be costed by Mr. Snyder.

It is the continuing policy of A. B. & W. Transit Company to offer and render adequate and reasonable transportation in the area in which it is authorized to conduct services. My department is constantly con-



sidering revisions to the company's present routings and extensions in its services. Very recently, to accommodate the public, A.B. & W. requested this Commission for extensive revisions to its routes and for extensions thereto. This application has been recently approved by this Commission. A. B. & W. does not believe that proof of sufficient need has been demonstrated in this case to warrant demanding that the vast majority of the A. B. & W. riders subsidize the extension recommended by this Commission's staff. Mr. Snyder's figures will disclose that the costs associated with the extended service which I have described greatly exceed the most optimistic traffic income. It must be constantly kept in mind that rush [7] hour service is more costly to offer and conduct because of the already existing high ratio of rush hour vehicles to the non-rush hour vehicle requirements. This ratio stands at 4 to 1 presently. Thus were there a greater volume of traffic available in the rush hours than that reflected by the sample in this case, costs would continue to spiral out of proportion to the anticipated revenue.

Clearly this Commission does not suggest that there is not available transportation between the terminus and route stops of A. B. & W. Transit Company in the District of Columbia and the area in downtown Northwest Washington through which the A. B. & W. route proposed herein will operate. Concededly, the transfer points and arrangements between A. B. & W. and D. C. Transit can be improved under the leadership and direction of this Commission. Highway routings within the District of Columbia for A. B. & W. Transit Company vehicles are too frequently dictated by seeming highway problems without reference to the convenience to the large number of persons being transported by motor buses. Improved transfer arrangements should offer additional conveniences to the public and induce them to use the transportation facilities available to them. The public does have existing transportation facilities throughout the area in which the proposed A. B. & W. route will traverse. Admittedly it would be more convenient for every passenger to ride on a through bus from a point adjacent to his residence to a point

adjacent to his place of employment or destination. But this Commission's Chief Engineer's proposal does not encompass this concept so that the existing passengers of A. B. & W. riding on the proposed A. B. & W. route will, in the vast majority of instances, be required to transfer.

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[Exhibit 9]

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

IN THE MATTER OF  
INVESTIGATION TO DETERMINE WHETHER WMA  
TRANSIT COMPANY AND ALEXANDRIA, BARCROFT AND  
WASHINGTON TRANSIT COMPANY SHOULD EXTEND  
BUS ROUTES IN WASHINGTON, D.C.

DOCKET No. 91

STATEMENT BY GEORGE R. SNYDER,  
CERTIFIED PUBLIC ACCOUNTANT

I have computed the minimum cost that the A. B. & W. Transit Company would incur in providing service to the approximately 1,110 passengers who indicated that they desired service by A. B. & W. to the vicinity of 18th and L Streets, N.W., in Washington, D.C., during a three hour a.m. rush hour period. My computations also include the minimum cost for the return of such persons during the p.m. rush hour as well as the minimum costs for non-rush hour service between 9:30 a.m. and 3:30 p.m. daily, except Saturdays and Sundays, as more particularly set out hereafter.

My computations are based upon the following information furnished me by the Traffic Department of the company:

Additional daily mileage 222.8 miles.

Additional man hours 49-5/6 hours.

One additional dispatcher.

A minimum of four additional buses.

The traffic Department of A. B. & W. informed me that as the survey did not indicate the time that the proposed service was required, their computations as to the number of buses required is based upon the assumption that the riders shall be evenly distributed for transportation during the period 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. until 6:30 p.m. on the return movement.

	<u>Cents</u>
The operating cost per mile for the first six months of 1965 for A. B. & W. was	73.2

From this amount we have eliminated the following costs (which in the judgment of management will not increase, or increases are provided for in our computations):

	<u>Cents</u>	
Supervision of transportation	02.7	
Drivers' wages	29.1	
Station expenses	00.9	
Salaries and expenses — traffic solicitation	00.6	
Administrative and general	03.7	
Depreciation expense	06.3	
Operating rents	00.7	
		<u>Cents</u>
Total expenses eliminated		44.0
		<u>Cents</u>
Expenses that may reasonably be expected to increase because of the proposed route extensions — per mile		29.2
Estimated additional cost in proposed route extensions:		
222.8 miles daily at 29.2 cents per mile	=	\$ 65.06

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Operators' wages at \$2.72 per hour for 49-5/6 hours per day		<u>135.55</u>
Total direct daily costs	=	\$ <u>200.61</u>
Annual cost (252 weekdays)		\$50,553.72
One additional dispatcher — annual salary	=	5,766.80
Depreciation on 4 additional buses (cost \$132,000 with a salvage at six percent or \$7,920. This equals a depreciable cost of \$124,080 — 12 year life)	=	<u>\$10,340.00</u>
Total estimated minimum increases in cost	=	<u>\$66,660.52</u>

#### ESTIMATED ADDITIONAL REVENUE TO THE COMPANY

Based on the assumption that the 1,110 riders who desire to arrive in the District of Columbia in the vicinity of 18th and L Streets, N.W., will also ride on the return trips to Virginia, and further assuming that these persons now use the interline ticket between A. B. & W. and D.C. Transit and will convert to a token fare user, the company would receive for each one-way ride an additional 3-3/4 cents.

Assuming that the 1,110 one-way riders return to Virginia, these persons would constitute 2,220 daily fares, which multiplied by 252 weekdays equal 559,440 one-way fares. This figure multiplied by 3-3/4 cents per fare equals \$20,979.00 or expected annual revenues from the persons embraced in the WMATC survey.

In summary A. B. & W. estimates a minimum increase in costs of \$66,660.52 less the estimated revenues as hereinbefore computed in the amount of \$20,979.00. Subtracting the anticipated revenue from the minimum increased expenses, it is estimated that were A. B. & W. required to offer the extended service on the conditions set forth in Mr. Lawson's

testimony and my own, the A. B. & W. Transit Company would lose annually \$45,681.52.

It might be noted that in A. B. & W.'s recent fare case before this Commission it was estimated that 3,114,359 riders would use the interline fare between that company and D.C. Transit. The proposed extension in service involved in this hearing would accommodate only 559,440 passengers or 17.96 percent of the total interline passengers transported by A. B. & W.

These 559,440 riders under the proposed no-fare increase for the extended services would, if they were cash riders, save ten cents per ride, and if they converted to token use, would save 13-3/4 cents per ride. At the same time the remaining 2,554,919 interline passengers or 82.04 percent of that class of traffic on A.B. & W. would continue to pay the present fares, and this portion of A. B. & W.'s passengers, among others, would in effect subsidize the transportation, in part, of those persons using the extended service.

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**Exhibit 12**  
**WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**  
**NO. 5**  
**D. C. TRANSIT SYSTEM, INC.**  
**WASHINGTON, D. C.**

At a session of the Washington Metropolitan Area Transit Commission held on the 12th day of August, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that this certificate does not authorize any intrastate transportation in Virginia:

**REGULAR ROUTES:**

Passengers and their baggage, and express, in the same vehicle with passengers.

Between points in Washington, D. C.; between Washington, D. C., and Maryland and between Washington, D. C., and Virginia, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in Virginia, as follows:

- No. 1 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over MacArthur Boulevard to junction David Taylor Model Basin entrance, thence over David Taylor Model Basin Roadways and return over the same route.
- [2] No. 2 From junction MacArthur Boulevard and Maryland Avenue over Maryland Avenue to junction Ridge Road thence over Ridge Road to junction 63rd Street, thence over 63rd Street to junction Broad Street, thence over Broad Street to junction Maryland Avenue and return over the same route.
- No. 3 From junction MacArthur Boulevard and Tulane Avenue over Tulane Avenue to junction private roadway in front of Glen Echo Amusement Park and return over the same route.
- No. 4 From junction MacArthur Boulevard and Tomlinson Avenue over Tomlinson Avenue and cut-off road to junction MacArthur Boulevard.
- No. 5 From junction MacArthur Boulevard and Sangamore Road over Sangamore Road to junction Army Map Service entrance and return over the same route.
- No. 6 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Massachusetts Avenue to junction Goldsboro Road, thence over Goldsboro Road to junction MacArthur Boulevard and return over the same route.
- No. 7 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over River Road to junction Falls Road, thence over Falls Road to junction Van Buren Street, thence over Van Buren Street to junction West Montgomery Avenue and return over the same route.

- No. 8 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Wisconsin Avenue and Rockville Pike to junction Montgomery Avenue, thence over Montgomery Avenue to junction Forest Avenue, thence over Forest Avenue to junction Anderson Avenue, thence over Anderson Avenue to junction Laird Street, thence over Laird Street to junction Montgomery Avenue, thence over Montgomery Avenue and return over the same route.
- No. 9 From junction Wisconsin Avenue and Old Georgetown Road over Old Georgetown Road to junction Montrose Road, thence over Montrose Road to junction Rockville Pike and return from junction Rockville Pike and Old Georgetown Road over Old Georgetown Road.
- [3] No. 10 From junction Wisconsin Avenue and Leland Street over Leland Street to junction Hillandale Road, thence over Hillandale Road to junction Bradley Boulevard, thence over Bradley Boulevard to junction River Road and return over the same route.
- No. 11 From junction Bradley Boulevard and Goldsboro Road over Goldsboro Road to junction River Road and return over the same route.
- No. 12 From junction Old Georgetown Road and Wilson Lane over Wilson Lane to junction River Road and return over the same route.
- No. 13 From junction River Road and Capital Beltway (Interstate 495) over Capital Beltway to junction Georgetown-Lessburg Pike (Virginia Highway 193) thence over Georgetown-Leesburg Pike to junction Dolly Madison Boulevard (Virginia Highway 123) thence over Dolly Madison Boulevard to junction C.I.A. entrance, including all interchange points and access and interchange routes and return over the same route, serving all intermediate points, except intrastate Virginia.

- No. 14 From junction Old Georgetown Road and Beech Avenue over Beech Avenue to junction Singleton Drive, thence over Singleton Drive to junction Lindale Drive, thence over Lindale Drive to junction Beech Avenue, thence over Beech Avenue to junction Old Georgetown Road.
- No. 15 From junction Old Georgetown Road and Center Road over Center Road to circular road in front of National Institutes of Health Clinic and return over the same route.
- No. 16 From junction Rockville Pike and south gate of Naval Medical Center over Naval Medical Drive through North gate to junction Rockville Pike.
- No. 17 From junction Montgomery Avenue and North Washington Street over North Washington Street to junction Maryland Highway 355, thence over Maryland Highway 355 to junction Browns Station Road, thence over Browns Station Road to junction U. S. Highway 240, thence over U. S. Highway 240 to junction Maryland [4] Highway 118, thence over Maryland Highway 118 to junction A.E.C. entrance including all interchange points and access and interchange routes and return over the same route.
- No. 18 From junction Maryland Highway 355 and Summit Avenue over Summit Avenue to junction Brooks Avenue, thence over Brooks Avenue to junction Maryland Highway 355.
- No. 19 From junction Wisconsin Avenue and Wisconsin Circle over Wisconsin Circle to Maryland-D. C. Line at Western Avenue.
- No. 20 From junction Western Avenue and Wisconsin Place at Maryland-D. C. Line over Wisconsin Place to junction Wisconsin Avenue.
- No. 21 From Washington, D. C. over city streets to Maryland-D. C. Line, thence over Connecticut Avenue to junction Kensington Parkway, thence over Ken-

sington Parkway, to junction Saul Road, thence over Saul Road to junction Connecticut Avenue, thence over Connecticut Avenue to junction University Boulevard West and return over the same route.

- No. 22 From junction Connecticut Avenue and Howard Avenue over Howard Avenue to junction Armory Avenue, thence over Armory Avenue to junction Knowles Avenue, thence over Knowles Avenue to junction Strathmore Avenue, thence over Strathmore Avenue to junction Stillwater Avenue, thence over Stillwater Avenue to junction Flanders Avenue, thence over Flanders Avenue to junction Strathmore Avenue and return over the same route.
- No. 23 From junction Wisconsin Avenue and East-West Highway over East-West Highway to junction Grubb Road, thence over Grubb Road to junction Washington Avenue, thence over Washington Avenue to junction East-West Highway, thence over East-West Highway to junction 16th Street and return over the same route.
- No. 24 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over 16th Street to junction Hanover Street, thence over Hanover Street to junction Georgia Avenue and return from junction Georgia Avenue and 16th Street over 16th Street.
- [5] No. 25 From junction Connecticut Avenue and Leland Street over Leland Street to junction Beach Drive, thence over Beach Drive to junction East-West Highway and return over Beach Drive to junction Rolling Road, thence over Rolling Road to junction Leland Street, thence over Leland Street to junction Connecticut Avenue.
- No. 26 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Georgia Avenue



to junction Maryland Highway 108 and return over the same route.

- No. 27 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Colesville Road to junction Lockwood Drive, thence over Lockwood Drive to junction New Hampshire Avenue, thence over New Hampshire Avenue and Colesville Road to junction Maryland Highway 108, thence over Maryland Highway 108 to junction Georgia Avenue and return over the same route.
- No. 28 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over 13th Street to junction Georgia Avenue and return over the same route.
- No. 29 From junction Georgia Avenue and Seminary Road over Seminary Road to junction Capital View Avenue, thence over Capital View Avenue to junction Plyers Mill Road and return over same route.
- No. 30 From junction Georgia Avenue and Dexter Avenue over Dexter Avenue to junction Haywood Drive, thence Haywood Drive to junction Eccleston Street, thence Eccleston Street to junction Brunswick Avenue, thence over Brunswick Avenue to junction Plyers Mill Road, thence over Plyers Mill Road to junction Connecticut Avenue and return over same route.
- No. 31 From junction University Boulevard West and Viers Mill Road over Viers Mill Road to junction Montgomery Avenue and return from junction Montgomery Avenue and Dodge Street over Dodge Street to junction Viers Mill Road thence return over the same route.
- No. 32 From junction Viers Mill Road and Randolph Road over Randolph Road to junction Selfridge Road, thence over Selfridge Road to junction Mahan Road,

thence over Mahan Road to junction Charles Road, thence over Charles Road to junction Randolph Road, thence over Randolph Road to junction Colin Road, thence over Colin Road to junction Idelwood Road, thence over Idlewood Road to junction Garrett Park Road, thence over Garrett Park Road to junction Dewey Road, thence over Dewey Road to junction Randolph Road, thence over Randolph Road to junction Rockinghorse Road, thence over Rockinghorse Road to junction Boiling Brook Parkway, thence over Boiling Brook Parkway to junction Topping Road, thence over Topping Road to junction Ashley Drive, thence over Ashley Drive to junction Rockinghorse Road, thence over Rockinghorse Road to junction Randolph Road, thence over Randolph Road to junction Dewey Road, thence over Dewey Road to junction Edgebrook Road, thence over Edgebrook Road to junction Selfridge Road, thence over Selfridge Road to junction Gridley Road, thence over Gridley Road to junction Viers Mill Road.

NOTE: Short route trips use Selfridge Road between Randolph Road and Gridley Road.

- No. 33 From junction Viers Mill Road and Parkland Drive over Parkland Drive to junction Aspen Hill Road, thence over Aspen Hill Road to junction Viers Mill Road and return over the same route.
- No. 34 From junction Georgia Avenue and Randolph Road over Randolph Road to junction Terrapin Road, thence over Terrapin Road to junction Sheraton Street, thence over Sheraton Street to junction Epping Road, thence over Epping Road to junction Holdridge Road, thence over Holdridge Road to junction Weller Road, thence over Weller Road to junction Connecticut Avenue, thence over Connecticut Avenue to junction Dean Road, thence "U" turn and continue Connecticut to junction Greenley Street, and return over Greenley Street to junction Weller

Road, thence over Weller Road to junction Valleywood Drive, thence over Valleywood Drive to junction Janet Road, thence over Janet Road to junction Flack Street, thence over Flack Street to junction Weller Road, thence Weller Road to junction Georgia Avenue.

- [7] No. 35 From junction Georgia Avenue and Forest Glen Road over Forest Glen Road to junction Dallas Avenue, thence over Dallas Avenue to junction Renfrew Road, thence over Renfrew Road to junction Proctor Street, thence over Proctor Street to Dennis Avenue, thence over Dennis Avenue to junction Tenbrook Drive, thence over Tenbrook Drive to junction Gabel Street, thence over Gabel Street to junction University Boulevard West and return over the same route.
- No. 36 From junction Georgia Avenue and Hickerson Drive over Hickerson Drive to junction Elkin Street, thence over Elkin Street to junction University Boulevard West.
- No. 37 From junction University Boulevard West and Dennis Avenue over Dennis Avenue to junction Lockridge Drive, thence over Lockridge Drive to junction Lombardy Road, thence "U" turn and return over the same route.
- No. 38 From junction Dennis Avenue and Edgewood Road over Edgewood Road to junction Marvin Road, thence over Marvin Road to junction Dennis Avenue.
- No. 39 From junction Connecticut Avenue and University Boulevard West over University Boulevard West and University Boulevard East to junction Adelphi Road and return over the same route.
- No. 40 From junction University Boulevard West and Lorain Avenue over Lorain Avenue to junction Timberwood Avenue, thence over Timberwood Avenue to junction Colesville Road.

- No. 41 From junction Colesville Road and Fenton Street over Fenton Street to junction Bonifant Street, thence over Bonifant Street to junction Dartmouth Avenue, thence over Dartmouth Avenue to junction Wayne Avenue thence over Wayne Avenue to junction Georgia Avenue and via Wayne Avenue to junction Pershing Drive, thence over Pershing Drive to junction Fenton Street, thence over Fenton Street to junction Colesville Road.
- No. 42 From junction Wayne Avenue and Dartmouth Avenue over Dartmouth Avenue to junction Dale Drive, thence over Dale Drive to junction Colesville Road and return over <sup>the</sup> same route.
- [8] No. 43 From junction Colesville Road and Franklin Avenue over Franklin Avenue to junction Merwood Lane, thence "U" turn and return over the same route.
- No. 44 From junction Georgia Avenue and Sligo Avenue over Sligo Avenue to junction Piney Branch Road, thence over Piney Branch Road to junction University Boulevard East and return over the same route.
- No. 45 From junction Dartmouth Avenue and Wayne Avenue over Wayne Avenue to junction Flower Avenue, thence over Flower Avenue to junction Carroll Avenue and return over the same route.
- No. 46 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Laurel Avenue to junction Carroll Avenue, thence over Carroll Avenue to junction University Boulevard East, thence over University Boulevard East to junction Merrimac Drive, thence over Merrimac Drive to junction Carroll Avenue and return over the same route.
- No. 47 From junction Sligo Avenue and Fenton Street over Fenton Street to junction Philadelphia Avenue,

thence over Philadelphia Avenue to junction Carroll Avenue, thence over Carroll Avenue to junction Ethan Allen Avenue, thence over Ethan Allen Avenue to junction East-West Highway thence over East-West Highway to junction Ager Road, over Ager Road to junction East-West Highway, thence over East-West Highway to junction Queens Chapel Road, thence over Queens Chapel Road to junction Baltimore Boulevard and return over the same route.

- No. 48 From junction Queens Chapel Road and Carson Circle over Carson Circle to junction LaSalle Road, thence over LaSalle Road to junction 19th Avenue, thence over 19th Avenue to junction Chillum Road, thence over Chillum Road to junction Maryland-D. C. Line at Eastern Avenue and return over the same route.
- No. 49 From junction Maryland-D. C. Line at Eastern Avenue and New Hampshire Avenue over New Hampshire Avenue to junction Rupert Road, thence over Rupert Road to junction East Nolcrest Drive, thence over East Nolcrest Drive to junction Schindler Drive, thence over Schindler Drive to junction New Hampshire Avenue and return over the same route.
- [9] No. 50 From junction New Hampshire Avenue and Southampton Drive over Southampton Drive to junction Beacon Road, thence over Beacon Road to junction Northampton Drive, thence over Northampton Drive to junction New Hampshire Avenue and return over the same route.
- No. 51 From junction University Boulevard and Merrimac Drive over Merrimac Drive to junction 14th Avenue, thence over 14th Avenue to junction Kanawa Street, thence over Kanawa Street to junction 15th Avenue, thence over 15th Avenue to junction University Boulevard East and return over the same route.



- No. 52 From junction Queens Chapel Road and Ager Road over Ager Road to junction Riggs Road, thence over Riggs Road to junction University Boulevard East, thence over University Boulevard East to junction Guilford Road, thence over Guilford Road to junction Drexel Road and return over the same route.
- No. 53 From junction Ager Road and 23rd Avenue over 23rd Avenue to junction Lewisdale Drive, thence over Lewisdale Drive to junction Fordham Street, thence <sup>over</sup> Fordham Street to junction 23rd Avenue and return over the same route.
- No. 54 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Queens Chapel Road to junction Queensbury Road and return over the same route.
- No. 55 From junction East-West Highway and Toledo Terrace over Toledo Terrace to junction Toledo Road, thence over Toledo Road to junction Belcrest Road, thence over Belcrest Road to junction Toledo Terrace, thence over Toledo Terrace to junction Northwest Drive, thence over Northwest Drive to junction Dean Drive, thence over Dean Drive to junction Highview Terrace, thence over Highview Terrace to premises #7000, thence "U" turn and return over the same route.
- No. 56 From junction Queens Chapel Road and 25th Street over 25th Street to junction Arundel Road, thence over Arundel Road to junction Russell Avenue, thence over Russell Avenue to junction 28th Place, thence over 28th Place to junction Upshur Street, thence over Upshur Street to junction Rainier Avenue, thence over Rainier Avenue to junction 34th Street and return over the same route.
- [10] No. 57 From junction Rhode Island Avenue and 34th Street, over 34th Street to junction Taylor Street, thence over Taylor Street to junction 37th Street, thence

over 37th Street to junction Windom Road, thence over Windom Road to junction 38th Street, thence over 38th Street to junction Hamilton Street, thence over Hamilton Street to junction 40th Avenue, thence over 40th Avenue to junction Oglethorpe Street, thence over Oglethorpe Street to junction 42nd Avenue, thence over 42nd Avenue to junction Queensbury Road, thence over Queensbury Road and Belcrest Road to junction Adelphi Road, thence over Adelphi Road to junction Campus Drive, thence over Campus Drive to junction Baltimore Boulevard and return over the same route.

- No. 58 From junction 40th Avenue and Gallatin Street over Gallatin Street to junction 42nd Street, thence over 42nd Street to junction Farragut Street, thence over Farragut Street to junction Rhode Island Avenue, thence over Rhode Island Avenue to junction Gallatin Street, thence over Gallatin Street to junction 42nd Street, thence over 42nd Street to junction Jefferson Street, thence over Jefferson Street to 38th Avenue, thence over 38th Avenue to junction Hamilton Street, thence over Hamilton Street to junction Ager Road and return over Hamilton Street to junction 40th Avenue.
- No. 59 From junction Bladensburg Road and Baltimore Avenue over Baltimore Avenue to junction Jefferson Street, thence over Jefferson Street to junction 38th Avenue and return over the same route.
- No. 60 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over 34th Street to junction Perry Street, thence over Perry Street to off-street terminal entrance and return over the same route.
- No. 61 From Washington, D. C. over city streets to the Maryland-D. C. Line, thence over Rhode Island Avenue and Baltimore Boulevard to junction Greenbelt Road, thence over Greenbelt Road to junction

Rhode Island Avenue, thence over Rhode Island Avenue to junction Lackawanna Street, thence over Lackawanna Street, to junction 51st Avenue, thence over 51st Avenue to junction Edgewood Road, thence over Edgewood Road to junction Rhode Island Avenue, thence over Rhode Island Avenue and return over the same route.

- No. 62 From junction Rhode Island Avenue and Greenbelt Road over Greenbelt Road to junction 62nd Avenue ~~Avenue~~ entrance to Beltway Plaza and return over the same route.
- [11] No. 63 From junction Baltimore Boulevard and College Avenue over College Avenue to junction Rhode Island Avenue, thence over Rhode Island Avenue to junction Knox Road thence over Knox Road to junction Dartmouth Avenue, thence over Dartmouth Avenue to junction College Avenue, thence over College Avenue to junction Baltimore Boulevard.
- No. 64 From junction Baltimore Boulevard and Riverdale Road over Riverdale Road to junction Rhode Island Avenue thence over Rhode Island Avenue to junction Rittenhouse Street, thence over Rittenhouse Street to junction Baltimore Boulevard.
- No. 65 From junction Rhode Island Avenue and 38th Street over 38th Street to junction 38th Avenue, thence over 38th Avenue to junction Bladensburg Road, thence over Bladensburg Road to junction Annapolis Road, thence over Annapolis Road to junction Landover Road, thence over Landover Road to junction Cheverly Avenue, thence over Cheverly Avenue to junction Arbor Street, thence over Arbor Street to junction Tuxedo Road, thence over Tuxedo Road to junction 57th Avenue, thence over 57th Avenue to junction Beecher Street, thence Beecher Street to junction 57th Place, thence over 57th Place to junction Tuxedo Road and return over the same route.

- No. 66 From junction Landover Road and Hospital Road over Hospital Road to Prince Georges Hospital and return over the same route.
- No. 67 From junction Annapolis Road and Edmonston Road over Edmonston Road to junction Kenilworth Avenue, thence over Kenilworth Avenue to junction Riverdale Road, thence over Riverdale Road to junction 66th Avenue, thence over 66th Avenue to junction Patterson Street, thence over Patterson Street to junction 67th Avenue, thence over 67th Avenue to junction Oliver Street, thence over Oliver Street to junction 66th Avenue and return over the same route.

NOTE: The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

[12] IRREGULAR ROUTES:

Passengers and their baggage:

(A) CHARTER OPERATIONS:

Round-trip or one-way;

- (1) From points in the District of Columbia to points in the Metropolitan District.
- (2) From points in Montgomery County, Maryland, and that portion of Prince Georges County, Maryland, north of the John Hanson Highway to points in the Metropolitan District.
- (3) From points in Arlington and Fairfax Counties and the Cities of Fairfax and Falls Church, Virginia, to points in Montgomery and Prince Georges Counties, Maryland.
- (4) From the Dulles International Airport in Virginia to points within the Metropolitan District,

except to points in Virginia, restricted to transportation of passengers having a prior movement by air.

(B) SPECIAL OPERATIONS:

(1) Round-trip or one-way;

(a) Between points in the District of Columbia.

(b) Between points in the District of Columbia on the one hand, and points in Montgomery County and that portion of Prince Georges County, Maryland, north of the John Hanson Highway, on the other.

(c) Between points in Montgomery County and that portion of Prince Georges County, Maryland, north of the John Hanson Highway.

(2) Round-trip or one-way, sightseeing or pleasure tours;

(a) From points in the District of Columbia to points in the Metropolitan District.

[13] (b) From points in Montgomery County, Maryland, and that portion of Prince Georges County, Maryland, north of the John Hanson Highway to points in the Metropolitan District.

(c) From points in Arlington and Fairfax Counties and the Cities of Falls Church and Fairfax, Virginia, to points in Montgomery and Prince Georges Counties, Maryland.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

The operating authority granted by this Certificate is granted pur-



suant to Order No. 367, and also embraces and supersedes the operating rights previously set forth in Order Numbers 214 and 186.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

D.C. TRANSIT SYSTEM, INC.

Exhibit 13

W.M.A.T.C. CARD SURVEY  
A.B. & W. TRANSIT CO.  
SUMMARY OF DESTINATIONS

Total Cards Returned	4870
Cards Not Used (Incomplete)	<u>(157)</u>
Total Cards Usable	4713

SUMMARY OF DESTINATIONS

	<u>NUMBER</u>	<u>PERCENT</u>
Pentagon	141	3.0
Other Intrastate	112	2.4
Area #1 (18th & L)	1223	25.9
Area #2 (Potomac Park)	1039	22.0
Area #3 (Federal Triangle)	1696	36.0
Area #4 (Capitol Hill)	267	5.7
Area #5 (Other D.C.)	<u>235</u>	<u>5.0</u>
TOTAL	4713	100.0

## D.C. TRANSIT SYSTEM, INC.

## Exhibit 14

W.M.A.T.C. CARD SURVEY  
W M A TRANSIT CO.  
SUMMARY OF DESTINATION

Total Cards Returned	993
Cards not used (Incomplete)	(80)
Total Cards Usable	913

SUMMARY OF DESTINATIONS

	<u>NUMBER</u>	<u>PERCENT</u>
Area #1 (18th & L)	272	29.8
Area #2 (Potomac Park)	39	4.3
Area #3 (Federal Triangle)	400	43.8
Area #4 (Capitol Hill)	108	11.8
Area #5 (Other D.C.)	94	10.3
TOTAL	913	100.0



### Area 1

A.B.&W. 1223 (25.9%)  
W.M.A. 272 (29.8%)

### Area 5

A.B.&W. 235 (5.0%)  
W.M.A. 94 (10.3%)

### Area 2

A.B.&W.  
1039 (22.0%)  
W.M.A.  
39 (4.3%)

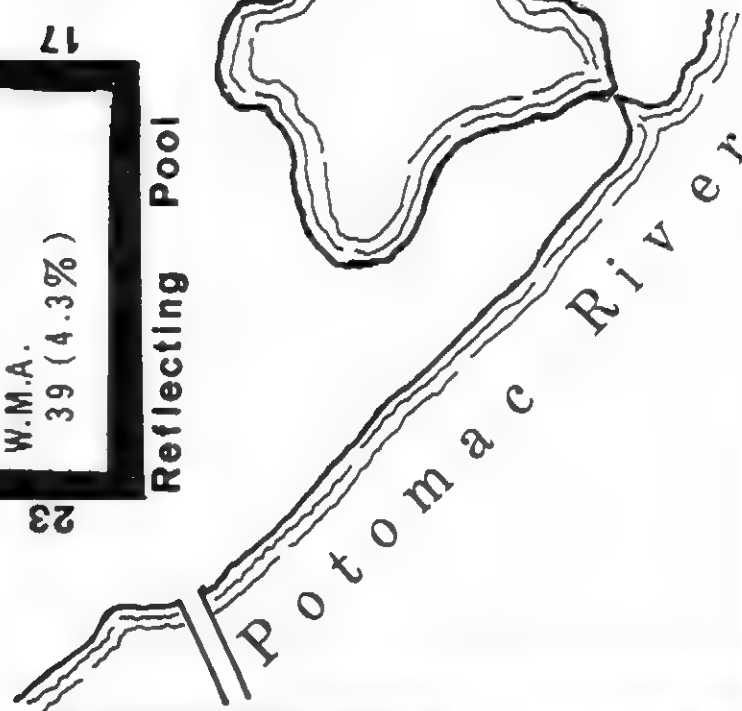
### Area 3

A.B.&W. 1696 (36.0%)  
W.M.A. 400 (43.8%)

### Area 4

A.B.&W. 267 (5.7%)  
W.M.A. 108 (11.8%)

Reflecting Pool



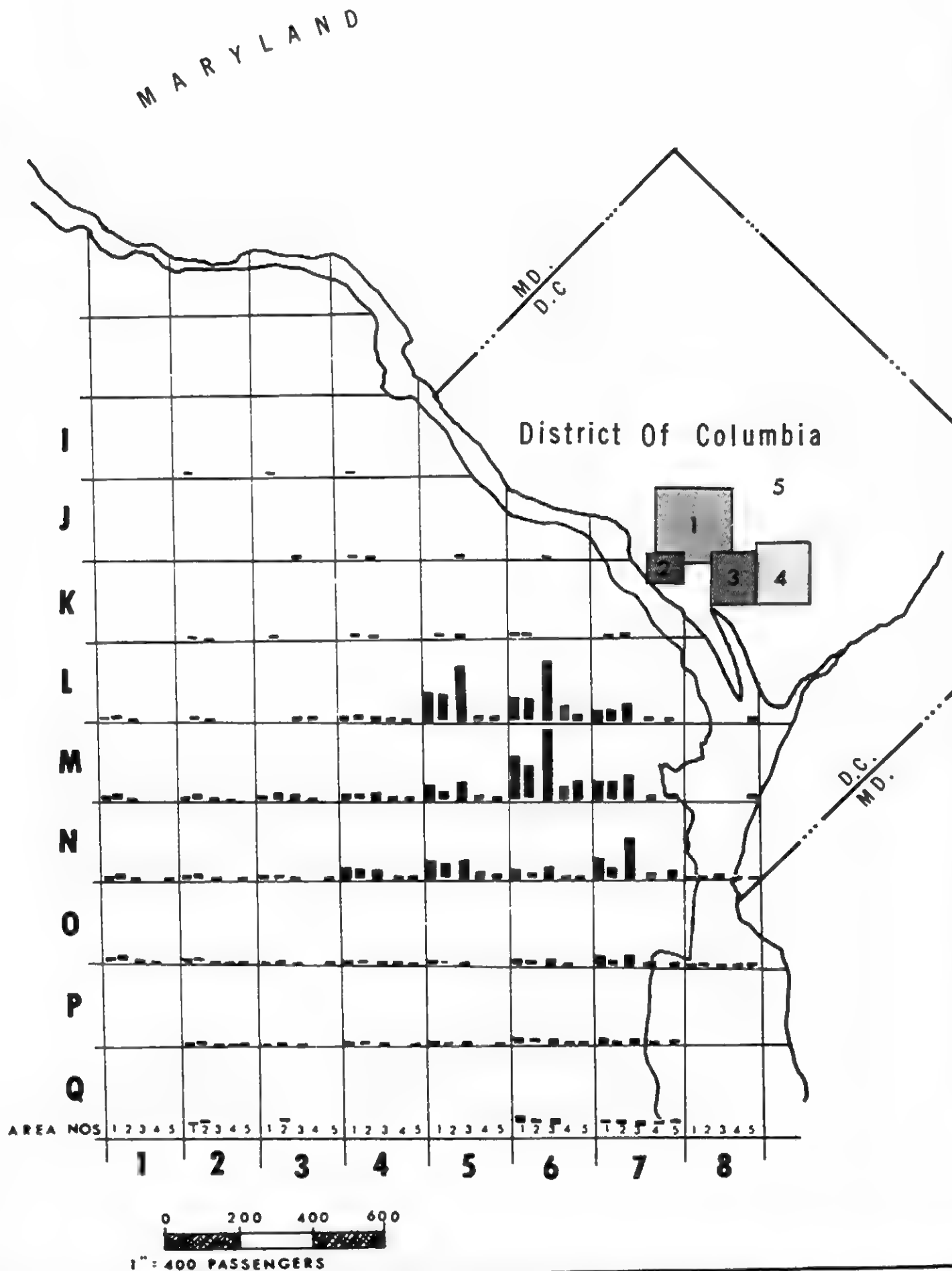
D.C. Transit System, Inc.

The five downtown areas defined showing the number and percentage of A.B.&W. and W.M.A. surveyed passenger destinations.

101

D.C. Transit System, Inc.

A.B. & W.: Surveyed passenger origin related to their downtown destination for the five areas shown.





### Area 1

A.B.&W. 1223 (25.9%)  
W.M.A. 272 (29.8%)

### Area 5

A.B.&W. 235 (5.0%)  
W.M.A. 94 (10.3%)

### Area 2

A.B.&W.  
1039 (22.0%)  
W.M.A.  
39 (4.3%)

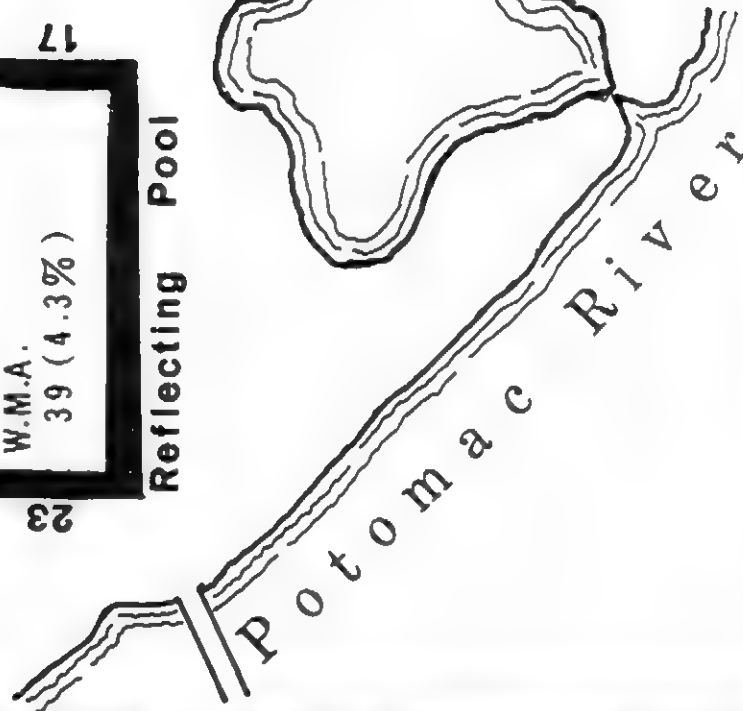
### Area 3

A.B.&W. 1696 (36.0%)  
W.M.A. 400 (43.8%)

### Area 4

A.B.&W. 267 (5.7%)  
W.M.A. 108 (11.8%)

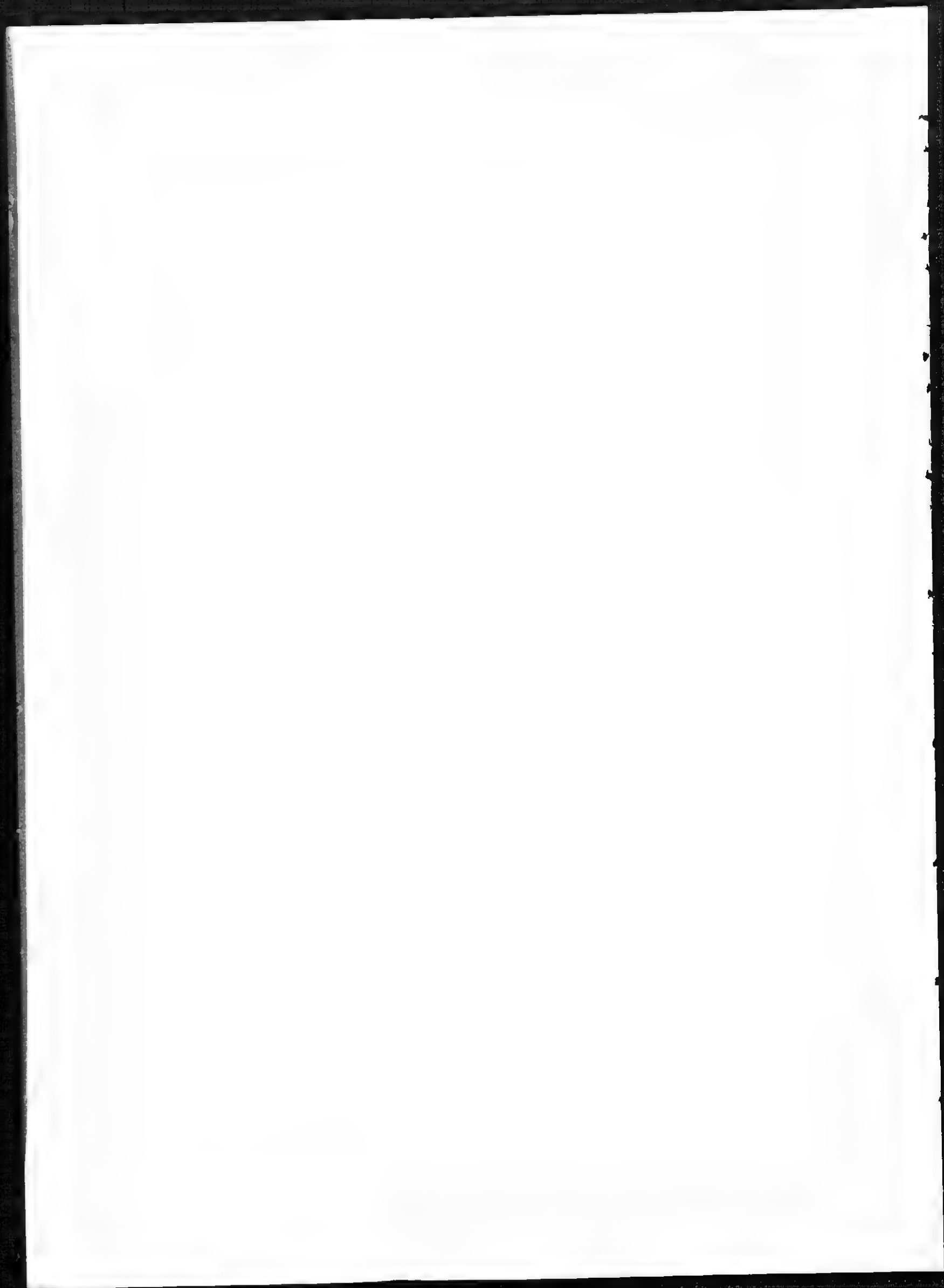
Reflecting Pool



D.C. Transit System, Inc.

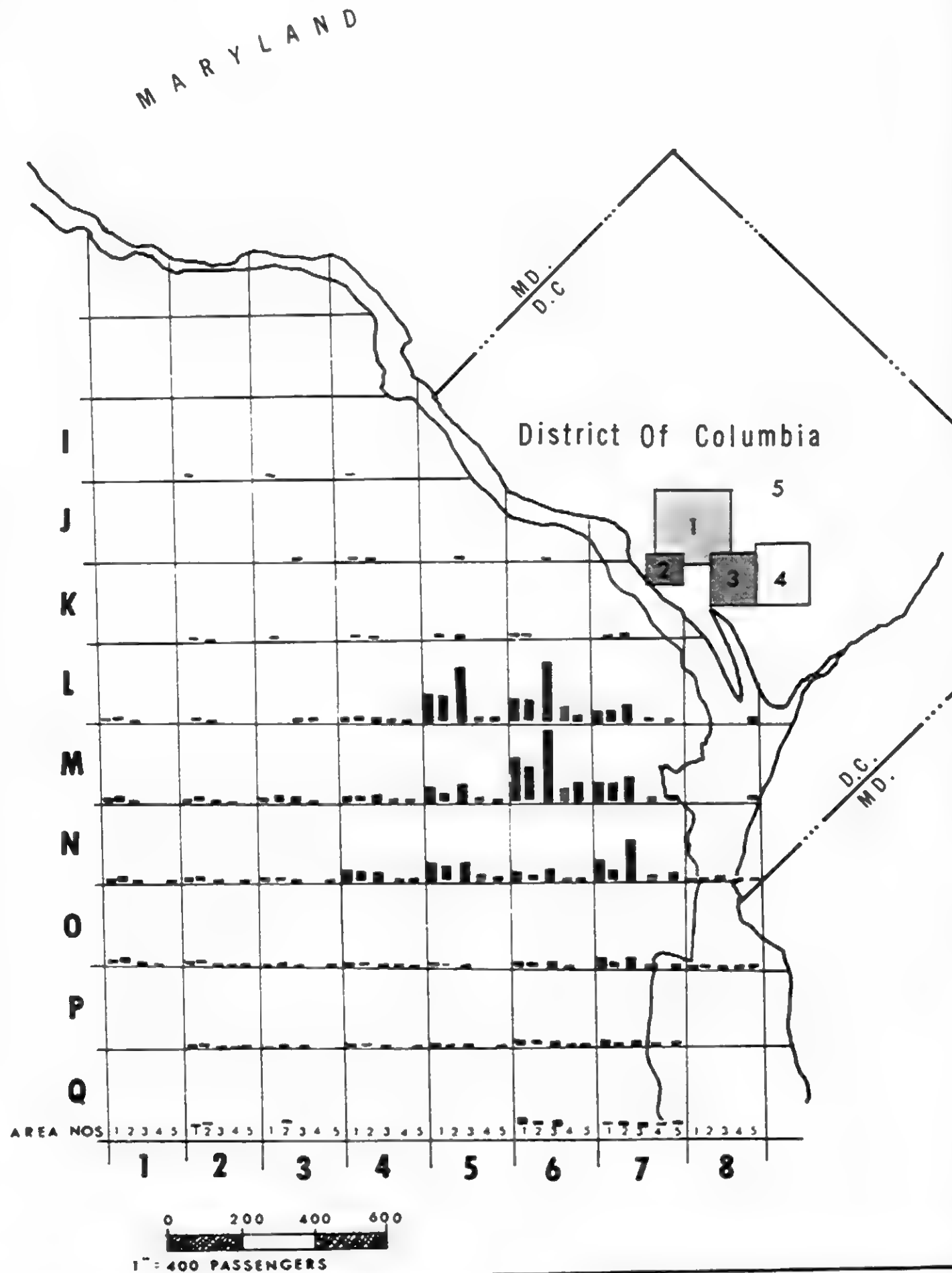
The five downtown areas defined showing the number and percentage of A.B.&W. and W.M.A. surveyed passenger destinations.

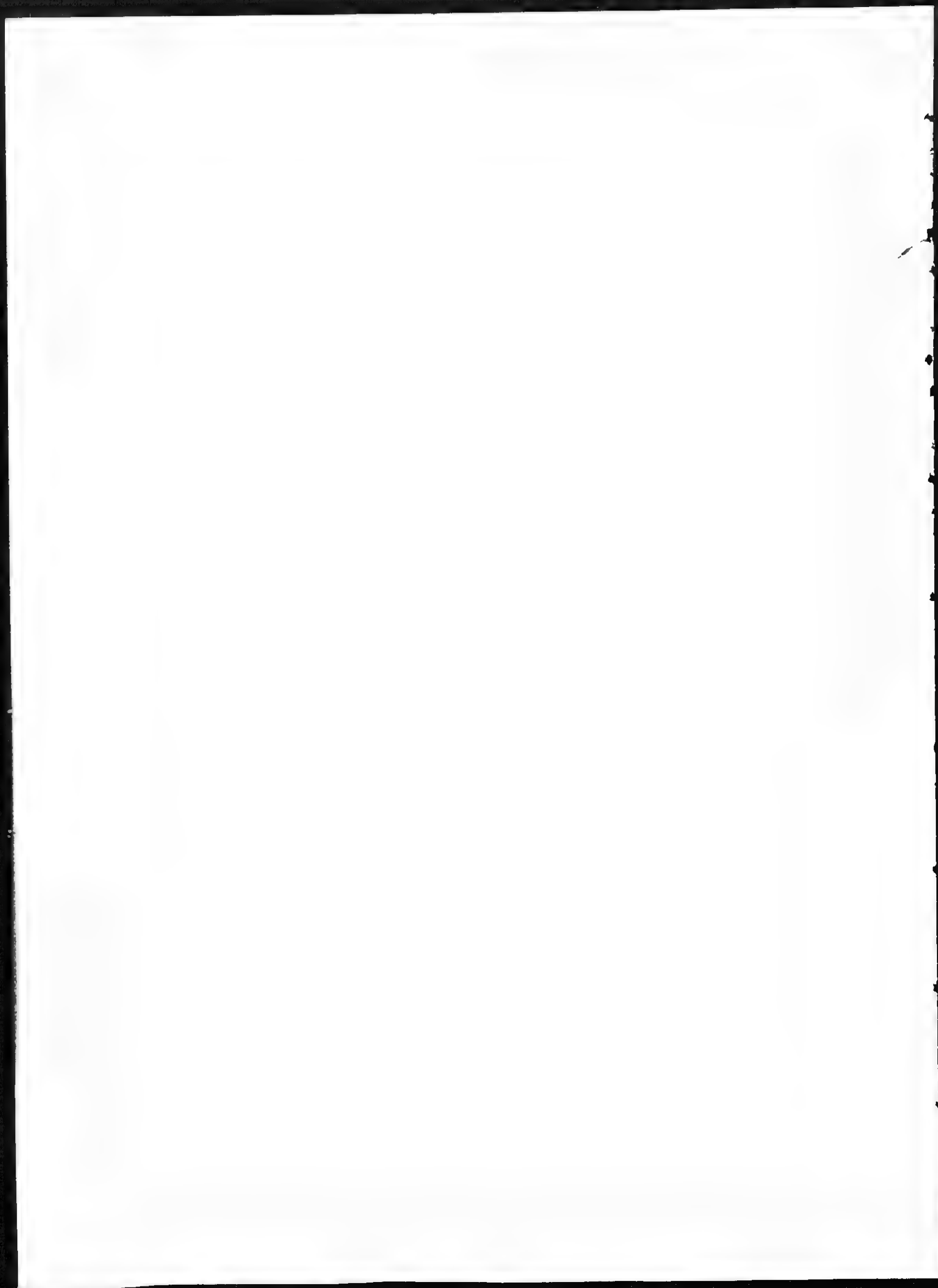




## D.C. Transit System, Inc.

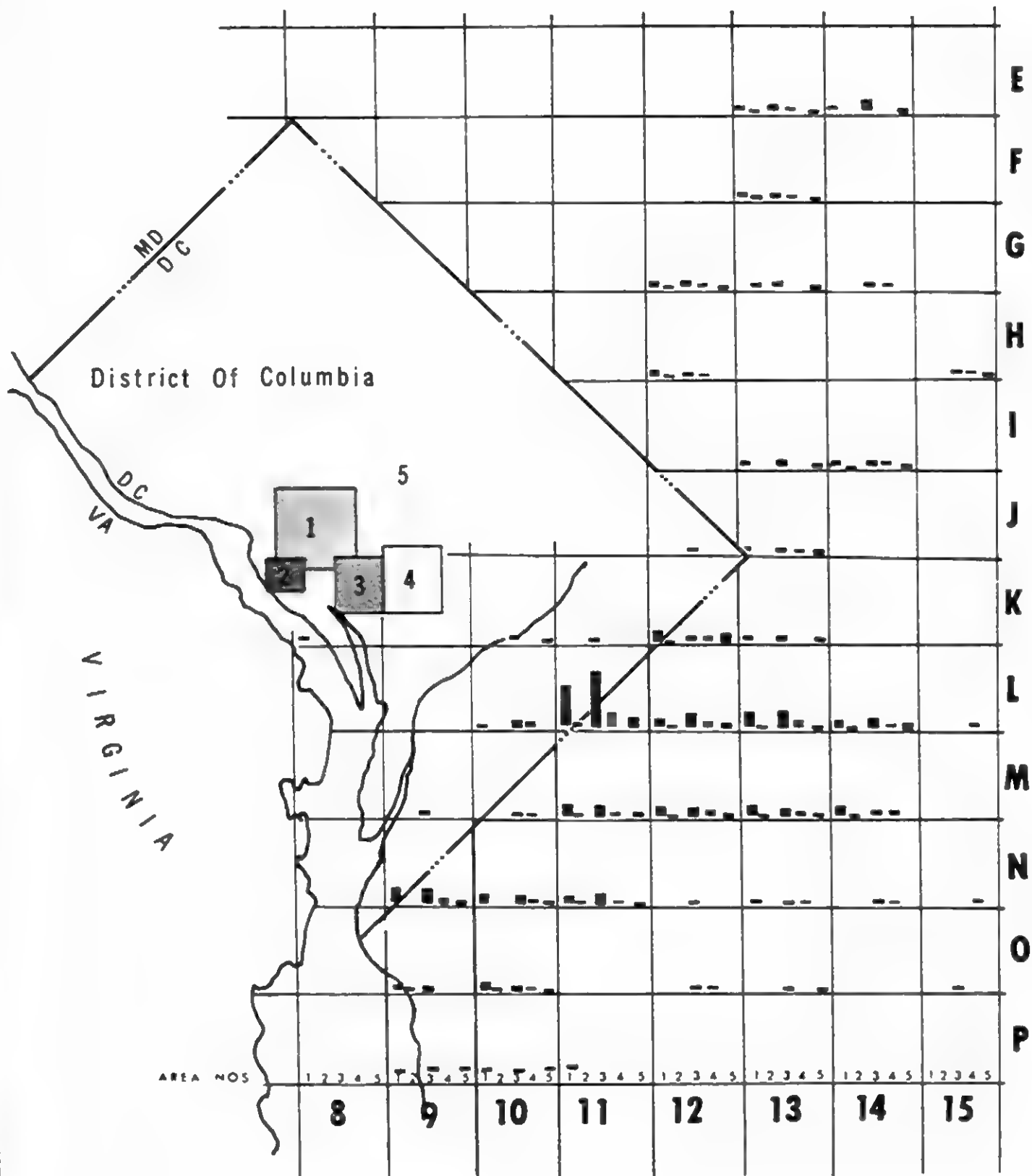
A.B. & W.: Surveyed passenger origin related to their downtown destination for the five areas shown.





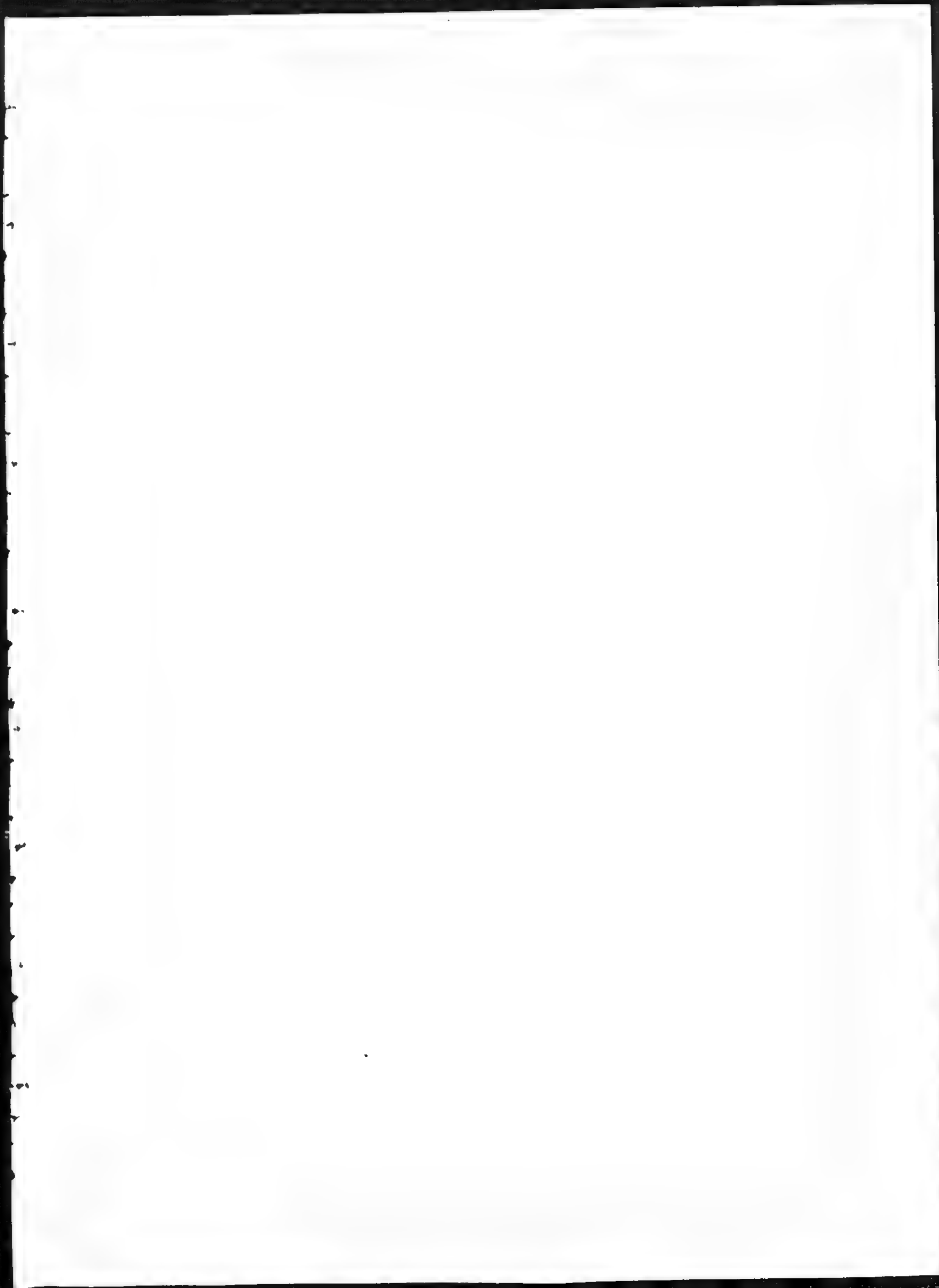
## D.C. Transit System, Inc.

W.M.A.: Surveyed passenger origin related to their Downtown destination for the five areas shown.

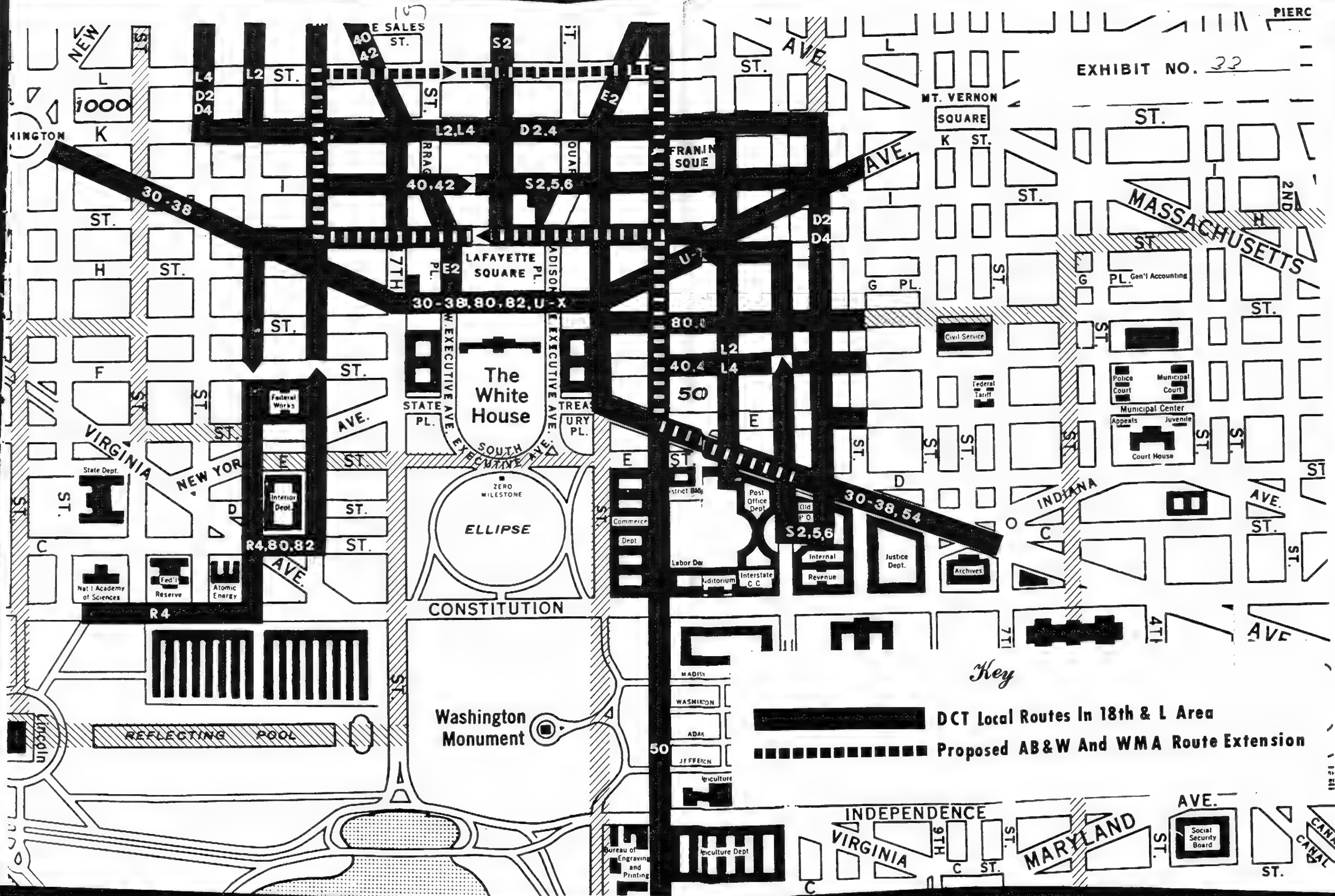


0 100 200 300

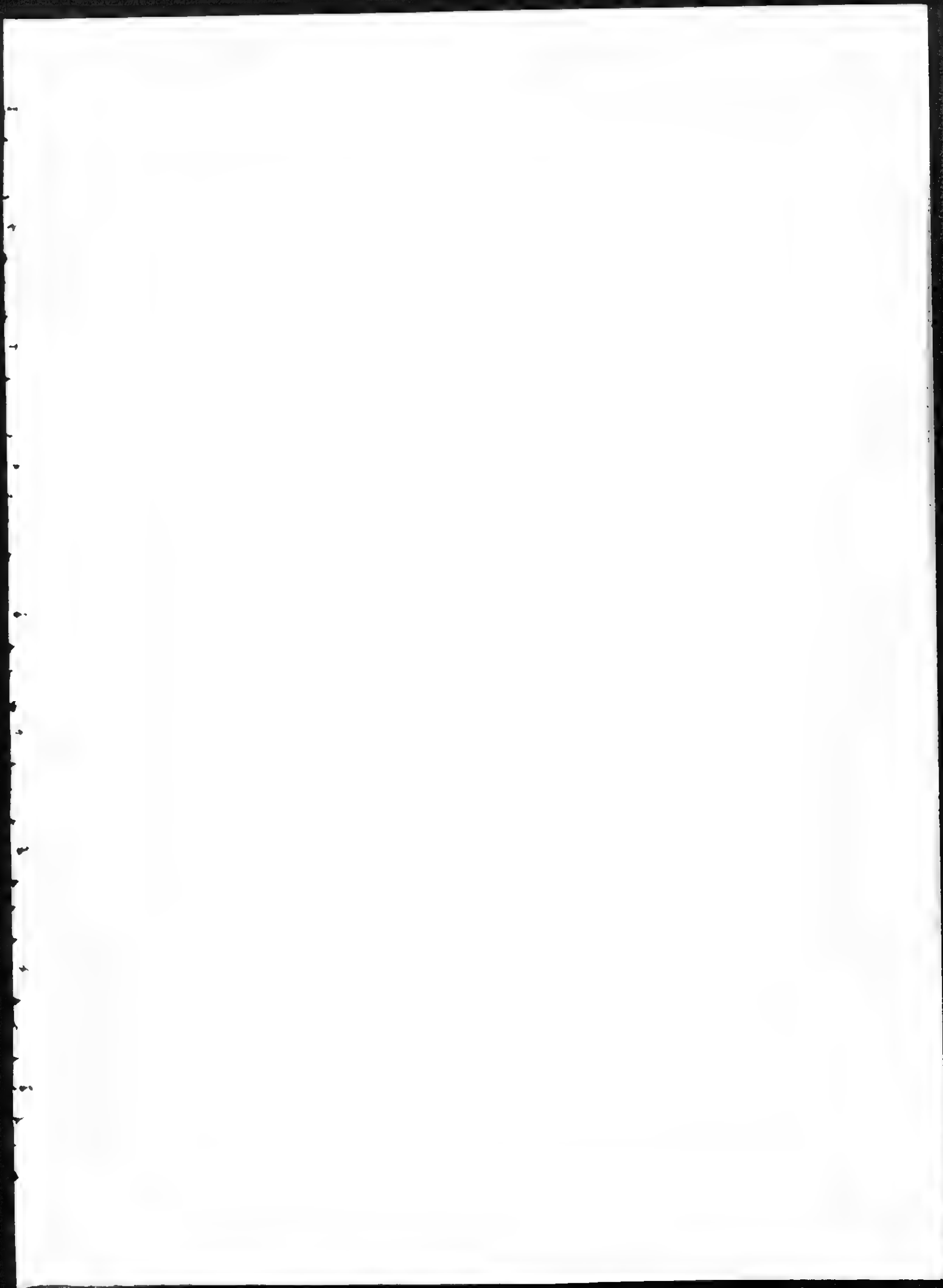
1" = 200 PASSENGERS







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## E.C. TRANSIT SYSTEM, INC.

## VOLUME OF TRIPS

USING 11TH STREET, N.W.

BETWEEN PENNSYLVANIA AVE. AND L ST.

WEEKDAY ONLY

NORTHBOUND

Exhibit 34.

Page 1 of 2

Route No.	D2,4	O-5	60	U&X	W.V.&M.	W.M.A.	Max. Pt.
From	E St.	E St.	G St.	H St.	E St.	Pa.	All Rts.
To	K St.	K St.	L St.	New York Ave.	K St.	E St.	Except W.M.A. H St. New York Ave.
Period							
Beginning							
6:00 am	2		1	1	5		9
:15	1		1	2	3		7
:30	3		2	3	5		13
:45	3		1	5	5		14
7:00	5		2	4	6		17
:15	4	1	2	4	6		17
:30	5		2	6	5		18
:45	4		2	4	8		18
8:00	4		3	4	6		17
:15	4		2	4	6		16
:30	4		4	3	4		15
:45	3		2	4	6		15
9:00	2		2	6	4		14
:15	3		2	2	5		12
Totals	47	1	28	52	74		202
9:30am	2		2	4	4		12
:45	2		2	1	4		9
10:00	2		2	2	4		10
:15	2		1	1	5		9
:30	2		2	3	4		11
:45	2		2	2	4		10
11:00	1		1	-	4		6
:15	2		2	1	5		10
:30	1		1	1	4		7
:45	2		1	1	4		8
12:00pm	1		2	2	4		9
:15	2		1	1	5		9
:30	1		1	2	4		8
:45	2		2	2	4		10
1:00	1		1	2	4		8
:15	2		2	1	5		10
:30	1		1	2	4		8
:45	2		1	2	4		9
2:00	1		2	2	4		9
:15	4		1	2	5		12
:30	2		1	1	4		8
:45	5		2	1	4		12
Totals	42	-	33	36	93	-	204

Route No.	D2,4	O-5	60	U&X	W.V.&M.	W.M.A.	Max. Pt.
From	E St.	E St.	G St.	H St.	E St.	Pa.	All Rts.
To	K St.	K St.	L St.	New York Ave.	K St.	E St.	Except W.M.A. H St. New York Ave.
Period Beginning							
3:00 pm	2		1	2	5		10
:15	4		2	2	5		13
:30	3		2	3	5		13
:45	2		1	3	4		10
4:00	3		2	3	7		15
:15	3		2	3	9		17
:30	4	1	2	5	11		23
:45	2		2	2	12		18
5:00	5		3	3	23		34
:15	4	1	2	4	12		23
:30	4		2	4	14		24
:45	3	1	3	3	8		18
6:00	3		2	3	7		15
:15	3		2	3	9		17
:30	2		2	3	4		11
:45	2		2	3	3		10
Totals	49	3	32	49	138		271
7:00 pm	1		1	3	3		8
:15	1		1	2	4		8
:30	1		1	3	2		7
:45	1		1	3	3		8
8:00	1		1	2	2		6
:15	1		1	2	3		7
:30	1		1	1	3		6
:45	1		-	2	2		5
9:00	1		1	2	2		6
:15	1		1	2	3		7
:30	-		-	2	2		4
:45	1		1	2	2		6
10:00	1		-	2	2		5
:15	1		1	2	2		6
:30	-		-	2	2		4
:45	1		1	1	1		4
11:00	1		-	2	2		5
:15	-		1	2	2		5
:30	1		-	1	2		4
:45	1		1	3	1		6
Totals	17	-	14	41	45		117
6:00 am to Midnight							
Totals	155	4	107	178	350		794



D.C. TRANSIT SYSTEM, INC.  
 VOLUME OF TRIPS  
 USING 11TH STREET, N.W.  
 BETWEEN L ST. AND PENNSYLVANIA AVE.  
 WEEKDAY ONLY  
SOUTHBOUND

Exhibit 35  
 Page 1 of 2.

Route No. From to Period Beginning	60 L St. to G St.	D2,4 K St. to E St.	S2,5,6 Eye St. to Penna.Ave.	Max. Pt. All Rts. Eye St. to G St.
6:00 am	1	2	1	4
:15	2	1	1	4
:30	1	1	1	3
:45	2	2	2	6
7:00	2	1	4	7
:15	2	2	5	9
:30	3	2	5	10
:45	2	2	8	12
8:00	2	5	10	17
:15	3	6	12	21
:30	2	5	9	16
:45	2	5	9	16
9:00	2	5	5	12
:15	2	4	5	11
Totals	28	43	77	148
9:30 am	2	4	4	10
:45	2	3	5	10
10:00	2	3	3	8
:15	1	3	4	8
:30	2	2	3	7
:45	1	2	3	6
11:00	1	2	4	7
:15	2	2	3	7
:30	1	2	3	6
:45	2	1	3	6
12:00 pm	1	2	3	6
:15	1	1	3	5
:30	2	2	2	6
:45	1	1	3	5
1:00	2	1	3	6
:30	1	2	3	6
:45	1	1	3	5
2:00	2	2	3	7
:15	1	1	3	5
:30	2	3	3	8
:45	1	1	2	4
Totals	32	43	69	144



112

Route No. From to Period Beginning	60 L St. G St.	D2,4 K St. E St.	S2,5,6 Eye St. Penna.Ave.	Max. Pt. All Rts. Eye St. G St.
3:00 pm	2	2	4	8
:15	3	7	3	13
:30	2	4	3	9
:45	2	4	3	9
4:00	2	4	4	10
:15	2	3	4	9
:30	2	3	5	10
:45	2	5	4	11
5:00	1	4	5	10
:15	2	4	4	10
:30	1	4	4	9
:45	2	4	5	11
6:00	1	4	4	9
:15	2	3	4	9
:30	1	3	4	8
:45	2	3	4	9
Totals	<u>29</u>	<u>61</u>	<u>64</u>	<u>154</u>
7:00 pm	1	3	3	7
:15	1	2	3	6
:30	1	1	4	6
:45	1	2	2	5
8:00	-	1	2	3
:15	1	1	1	3
:30	1	1	2	4
:45	-	1	2	3
9:00	1	1	1	3
:15	-	1	1	2
:30	1	1	1	3
:45	-	1	1	2
10:00	1	1	1	3
:15	-	1	1	2
:30	1	-	1	2
:45	-	1	-	1
11:00	1	1	1	3
:15	-	1	1	2
:30	1	-	1	2
:45	-	1	-	1
Totals	<u>12</u>	<u>22</u>	<u>29</u>	<u>63</u>
6:00 am to Midnight Totals	<u>101</u>	<u>169</u>	<u>239</u>	<u>509</u>

## D.C. TRANSIT SYSTEM, INC.

Exhibit 36

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VOLUME OF TRIPS  
 USING 12TH STREET, N.W.  
 BETWEEN PENNSYLVANIA AVE. & L ST.  
 WEEKDAY ONLY  
 NORTHBOUND

Route No. from to	Q-7 Penna.Ave. H St.	Q-9 Penna.Ave. H St.	R-8 & 9 Penna.Ave. H St.	S2,3,5,6 Penna.Ave. H St.	K-2-4 E St. L St.	K-9 E St. L St.	Max. Pt. All Rts. E St. H St.
Period Beginning							
6:00 am				2	2		4
:15				2	1		3
:30				2	1		3
:45				3	1		4
7:00				4	2		6
:15				4	1		5
:30				6	2		8
:45				3	2		5
8:00				5	2		7
:15				5	1		6
:30				4	2		6
:45				3	1		4
9:00				3	2		5
:15				4	2		6
Totals				50	22		72
9:30 am				3	1		4
:45				3	2		5
10:00			1	3	2		6
:15			1	3	1		5
:30			1	3	2		6
:45			1	3	2		6
11:00			1	3	1		5
:15			1	3	2		6
:30			1	2	1		4
:45			1	3	2		6
12:00 pm			1	3	1		5
:15			1	4	1		6
:30			1	3	2		6
:45			1	3	1		5
1:00			1	3	1		5
:15			1	3	1		5
:30			1	2	2		5
:45			1	3	1		5
2:00			1	4	1		6
:15			1	3	1		5
:30			1	4	2		7
:45			1	4	2		7
Totals			20	68	32		120

Route No. from to Period Beginning	Q-7 Penna.Ave. H St.	Q-9 Penna.Ave. H St.	R-8 & 9 Penna.Ave. H St.	S2,3,5 Penna.Ave. H St.	K2,4 E St. L St.	K-9 E St. L St.	Max. Pt. All Rts. E St. H St.
3:00 pm			1	4	2		7
:15			1	4	2		7
:30			1	4	2		7
:45			1	5	2		8
4:00			1	5	3		9
:15			1	5	3		9
:30		1	4	7	3		15
:45		1	2	14	5	2	24
5:00	1	2	1	9	4	2	19
:15	1	1	3	11	5	1	23
:30		1	1	9	4	1	16
:45		1	1	8	5	1	15
6:00		1		8	3	1	13
:15		1		4	3		9
:30				3	2		5
:45				3	1		4
Totals	2	9	17	103	49	9	189
7:00 pm				2	2		4
:15				2	1		3
:30				3	1		4
:45				2	1		3
8:00				2	1		3
:15				1	1		2
:30				2	1		3
:45				1	2		3
9:00				2	1		3
:15				1	1		2
:30				1	1		2
:45				1	1		2
10:00				1	1		2
:15				1	1		2
:30				1	1		2
:45				1	1		2
11:00				0	1		1
:30				1	0		1
:45				1	1		2
Totals				27	21		48
6:00 am to Midnight							
Totals	2	9	37	248	124	9	429

D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING 13TH STREET, N.W.  
BETWEEN PENNSYLVANIA AVE. & L ST.  
WEEKDAY ONLY  
NORTHBOUND

Exhibit 37  
Page 1 of 2

Rt.No.	A7&B7	B-9	J1,6	J-5	L-1	L2,3,4	L9&Q5	P-4	S7,9	T2&Q3	T7,9	Max. Pt.
From	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	All Rts.
To	L St.	L St.	L St.	K St.	K St.	K St.	K St.	L St.	L St.	K St.	K St.	K St.
Period												
Beginning												
6:00 am			1			2						3
:15			1			3				1		5
:30			1			2				1		4
:45			2	1		3				1		7
7:00	2		1			5						8
:15	1		3	1		5					1	11
:30			3			4					2	9
:45			2	1		6						9
8:00			4	1		5						10
:15			2			5			4			11
:30			3	1		5					1	10
:45			2			4						6
9:00			3	1		4						8
:15			2			4						6
Totals	3	0	30	6	0	57	0	0	0	7	4	107
9:30 am			3	1		4						8
:45			2			3				1		6
10:00			3	1		4						8
:15			2			3						5
:30			2	1		4						7
:45			2			3						5
11:00			1	1		3				1		6
:15			2			2						4
:30			1	1		3						5
:45			2			3						5
12:00 pm			1	1		3				1		6
:15			2			2						4
:30			1	1		3						5
:45			2			3						5
1:00			1	1		3				1		6
:15			2			2						4
:30			1	1		3						5
:45			2			4						6
2:00			1	1		3						5
:15			2			4				1		7
:30			2	1		4						7
:45			2			3						5
Totals	0	0	39	11	0	69	0	0	0	5	0	124

Rt.No.	A7&B7	B-9	J1,6	J-5	L-1	L2,3,4	L9&Q5	P-4	S7,9	T2&Q3	T7&9	Max. Pt.
From	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	All Rts.
To	L St.	L St.	L St.	K St.	K St.	K St.	K St.	L St.	L St.	K St.	K St.	K St.
Peroid												
Beginning												8
3:00 pm			2	1		4				1		7
:15			3			4						7
:30			2	1		4						7
:45			3			4				1		8
4:00			2	1		4						14
:15			4		1	7		1			1	18
:30		1	4	1		8	1	1	1		1	26
:45		1	5	1	1	12	2	1	1	1	2	33
5:00		2	6	1	1	13	1	2	3	1	3	25
:15		1	6	1	2	10	1	1	1		2	20
:30		1	5	1		9	1	1	1		1	21
:45			5		1	9	2	1	1	1	1	17
6:00		1	4	1		7	1	1	1			13
:15		1	4		1	6					1	8
:30			2	1		4						5
:45			2			3						
Totals	0	8	59	10	7	108	9	9	9	4	14	237
7:00 pm			2	1		3						6
:15			1			2						3
:30			2	1		3						6
:45			1			2						3
8:00			1	1		2						4
:15			2			2						4
:30			1	1		2						3
:45			1			2						3
9:00			1	1		1				1		5
:15			2			2						4
:30			1	1		2						3
:45			1			2						3
10:00			1	1		1						3
:15			1			2						3
:30			1	1		1						3
:45			1			2						3
11:00			1	1		1						2
:15						2						3
:30			1	1		1						3
:45			1			2						
Totals	0	0	23	10	0	37	0	0	0	1	0	71
6:00am to												
Midnight												
Totals	3	8	151	37	7	271	9	9	9	17	18	539



D.C. TRANSIT SYSTEM, INC.  
 USING 13TH STREET, N.W.  
 BETWEEN L ST. AND PENNSYLVANIA AVE.  
 WEEKDAY ONLY  
SOUTHBOUND

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Rt.No.	A7&B7	B9	J1,6	J5	L-1	I2,4,7	L9&Q5	P-4	S7,9	T2&Q3	T7,9	Max. Pt.
From	L St.	L St.	L St.	L St.	I St.	K St.	I St.	L St.	L St.	K St.	K St.	All Rts.
To	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Eye St.
Period												
Beginning												
6:00 am						1						1
:15			1			2						3
:30			1			2						3
:45			2			2		1				5
7:00			1			2		1				4
:15			1			4		2	1			8
:30		1	2			4	1	1	1		2	12
:45		1	4	1	1	9	1	1	2	1	1	22
8:00		1	4		1	10	1	1	2		1	21
:15		2	4	1	1	12	2		2	1	3	28
:30		1	3	1	1	13	1	3	1	1	1	26
:45		1	5	1	1	14	1	1	2		2	28
9:00		1	2		1	7		1			1	13
:15			3	1	1	5		1			1	12
Totals	0	8	33	5	7	87	7	13	11	3	12	186
9:30 am			2			5				1		8
:45			3	1		4						8
10:00			2			3						5
:15			3	1		4				1		9
:30			2			3						5
:45			3	1		4						8
11:00			2			3						5
:15			2	1		4						7
:30			2			3						5
:45			2	1		4				1		8
12:00 pm			1			3						4
:15			2	1		3						6
:30			1			3						4
:45			2	1		2				1		6
1:00			1			3						4
:15			2	1		3						6
:30			1			4						5
:45			2	1		2				1		6
2:00			1			3						4
:15			2	1		3						6
:30			1			3						4
:45			2	1		2				1		6
Totals	0	0	41	11	0	71	0	0	0	6	0	129

Rt.No.	A7&B7	B-9	J1-6	J-5	L-1	L2,4,7	L9&Q5	P-4	S7,9	T2&Q3	T7,9	All Rts.
From	L St.	L St.	L St.	L St.	I St.	K St.	I St.	L St.	L St.	K St.	K St.	Eye St.
To	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.	Pa.
Period												
Beginning												
3:00 pm			1			3						4
:15			2	1		5						8
:30			2			4						6
:45			2	1		4						7
4:00			3			5			1			9
:15			2	1		5						8
:30			3	1		5						9
:45			2	1		6			1			11
5:00			2			5			1		1	9
:15			2	1		6						9
:30	1		2			6						9
:45	2		1	1		6			1		1	12
6:00			1			6			1		1	9
:15			2	1		6			1		1	11
:30			2			4						6
:45			2	1		4						7
Totals	3	0	31	9	0	80	0	0	0	6	5	134
7:00 pm			2			4						6
:15			1	1		2						4
:30			2			4						6
:45			1	1		2			1			5
8:00			1			2						3
:15			1	1		1						3
:30			2			3						5
:45			1	1		2						4
9:00			1			2						3
:15			1	1		1						3
:30			2			2						4
:45			1	1		2						4
10:00			1			1						2
:15			1	1		2						4
:30						1						1
:45			1	1		2						4
11:00			1			1						2
:15			1	1		2						4
:30			1			1			1			3
:45				1		2						3
Totals	0	0	22	10	0	39	0	0	0	2	0	73
6:00am to												
midnight												
Totals	3	8	127	35	7	277	7	13	11	17	17	522

D.C. TRANSIT SYSTEM, INC.  
 VOLUME OF TRIPS  
 USING 14TH STREET, N.W.  
 BETWEEN L ST. AND PENNSYLVANIA AVE.  
 WEEKDAY ONLY  
SOUTHBOUND

Exhibit 39  
 Page 1 of 2

Route No. From to Period Beginning	50-54 L St. Penna.Ave.	45 Eye St. Penna.Ave.	40-42 Eye St. F St.	Max. Pt. All Rts. Eye St. F St.
6:00 am	4		2	6
:15	4		1	5
:30	4		3	7
:45	6		2	8
7:00	6		4	10
:15	6	1	4	11
:30	7	1	4	12
:45	8	1	6	15
8:00	7	2	5	14
:15	7	3	5	15
:30	7	4	5	16
:45	7	3	6	16
9:00	5		6	11
:15	4		5	9
Totals	82	15	58	155
9:30 am	4		5	9
:45	3		4	7
10:00	4		4	8
:15	4		4	8
:30	4		4	8
:45	3		4	7
11:00	3		4	7
:15	3		4	7
:30	3		4	7
12:00 pm	3		4	7
:15	3		4	7
:30	3		4	7
:45	3		4	7
1:00	3		4	7
:15	3		4	7
:30	3		4	7
:45	4		4	8
2:00	3		4	7
:15	3		4	7
:30	3		4	7
:45	3		4	7
Totals	71	0	89	160

Route No. From to Period Beginning	50-54 L St. Penna.Ave.	45 Eye St. Penna.Ave.	40-42 Eye St. F St.	Max. Pt. All Rts. Eye St. F St.
3:00 pm	3		4	7
:15	3		4	7
:30	3		4	7
:45	3		4	7
4:00	5		5	10
:15	4		5	9
:30	5		6	11
:45	4		6	10
5:00	5		6	11
:15	5		6	11
:30	4		6	10
:45	4		7	11
6:00	3		6	9
:15	4		4	8
:30	3		4	7
:45	3		4	7
Totals	61		81	142
7:00 pm	3		3	6
:15	3		3	6
:30	2		2	4
:45	2		3	5
8:00	3		1	4
:15	2		2	4
:30	2		1	3
:45	2		2	4
9:00	2		1	3
:15	2		2	4
:30	2		1	3
:45	2		1	3
10:00	2		1	3
:15	2		2	4
:30	1		1	2
:45	2		1	3
11:00	2		2	4
:15	2		1	3
:30	1		1	2
:45	2		1	3
Totals	41		32	73
6:00 am to Midnight				
Totals	255	15	260	530

## D.C. TRANSIT SYSTEM, INC.

VOLUME OF TRIPS  
 USING 14TH STREET, N.W.  
 BETWEEN PENNSYLVANIA AVE. AND L ST.  
 WEEKDAY ONLY  
NORTHBOUND

Exhibit 40

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Route No. From to Period Beginning	50-54 Penna.Ave. L St.	45 Penna.Ave. H St.	40-42 F St. H St.	Max. Pt. All Rts. F St. H St.
6:00 am	3		2	5
:15	3		3	6
:30	3		5	8
:45	5		5	10
7:00	5		6	11
:15	5		6	11
:30	5		7	12
:45	5		7	12
8:00	6		8	14
:15	7		6	13
:30	6		6	12
:45	5		6	11
9:00	4		5	9
:15	4		4	8
Totals	66	0	76	142
9:30 am	4		4	8
:45	4		4	8
10:00	4		4	8
:15	3		4	7
:30	3		3	6
:45	3		4	7
11:00	3		4	7
:15	3		4	7
:30	3		4	7
:45	3		5	8
12:00 pm	3		4	7
:15	3		4	7
:30	3		4	7
:45	4		4	8
1:00	3		4	7
:15	3		4	7
:30	3		4	7
:45	3		4	7
2:00	3		4	7
:15	3		4	7
:30	3		4	7
:45	3		5	8
Totals	70	0	89	159



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Route No. From to Period Beginning	50-54 Penna.Ave. L St.	45 Penna.Ave. H St.	40-42 F St. H St.	Max. Pt. All Rts. F St. H St.
3:00 pm	4		4	8
:15	5		6	11
:30	5	3	6	14
:45	6		6	12
4:00	6		4	10
:15	6		6	12
:30	7	1	6	14
:45	9	1	8	18
5:00	9	1	8	18
:15	8	1	8	17
:30	10	2	7	19
:45	7		6	13
6:00	6		5	11
:15	5		3	8
:30	4		3	7
:45	3		2	5
Totals	100	9	88	197
7:00 pm	3		2	5
:15	3		2	5
:30	2		1	3
:45	3		2	5
8:00	3		1	4
:15	3		2	5
:30	2		1	3
:45	3		1	4
9:00	3		1	4
:15	2		2	4
:30	2		1	3
:45	2		1	3
10:00	2		1	3
:15	2		2	4
:30	1		1	2
:45	2		1	3
11:00	2		1	3
:15	1		2	3
:30	2		1	3
:45	2		1	3
Totals	45	0	27	72
6:00 am to Midnight				
Totals	281	9	280	570

## D.C. TRANSIT SYSTEM, INC.

Exhibit 41  
Page 1 of 2VOLUME OF TRIPS  
USING VERMONT AVE. AND EAST 15TH ST. N.W.  
BETWEEN L STREET AND NEW YORK AVENUE  
WEEKDAY ONLY  
SOUTHBOUND

Route No. From To	E-2 L St. N.Y.Ave.	P-3 L St. N.Y.Ave.	Max. Pt. All Rts. L St. N.Y.Ave.
Period			
Beginning			
6:00 am	1		1
:15	0		0
:30	2		2
:45	1		1
7:00	1		1
:15	2		2
:30	2		2
:45	3	1	4
8:00	4	1	5
:15	6	1	7
:30	3		3
:45	4	1	5
9:00	3		3
:15	2		2
Totals	34	4	38
9:30 am	2		2
:45	1		1
10:00	2		2
:15	1		1
:30	2		2
:45	1		1
11:00	1		1
:15	1		1
:30	1		1
:45	1		1
12:00 pm	1		1
:15	1		1
:30	1		1
:45	1		1
1:00	0		0
:15	1		1
:30	1		1
:45	1		1
2:00	1		1
:15	0		0
:30	1		1
:45	1		1
Totals	23		23

Route No. From To	E-2 L St. N.Y.Ave.	P-3 L St. N.Y.Ave.	Max. Pt. All Rts. L St. N.Y.Ave.
Period			
Beginning			
3:00 pm	1		1
:15	2		2
:30	1		1
:45	2		2
4:00	3		3
:15	2		2
:30	1		1
:45	1		1
5:00	2		2
:15	2		2
:30	1		1
:45	2		2
6:00	2		2
:15	2		2
:30	1		1
:45	1		1
Totals	26		26
7:00 pm	1		1
:15	1		1
:30	1		1
:45	1		1
8:00	1		1
:15	1		1
:30	1		1
:45	0		0
9:00	1		1
:15	1		1
:30	1		1
:45	0		0
10:00	1		1
:15	1		1
:30	1		1
:45	0		0
11:00	1		1
:15	0		0
:30	1		1
:45	0		0
Totals	15		15
6:00 am to Midnight			
Totals	98	4	102

## D.C. TRANSIT SYSTEM, INC

VOLUME OF TRIPS  
 USING WEST 15TH ST. AND VERMONT AVE.  
 BETWEEN L AND H STS.  
 WEEKDAY ONLY  
SOUTHBOUND

Exhibit 42

Page 1 of 2

Route No. From to Period Beginning	R-4 Eye St. H St.	P-3 Eye St. H St.	E-2 Eye St. H St.	Max. Pt. All Rts. Eye St. H St.
6:00 am	1			1
:15	1			1
:30	1			1
:45	1			1
7:00	1			1
:15	1			1
:30	2			2
:45	2	1	1	4
8:00	2	1		3
:15	1	1		2
:30	1			1
:45	1	1		2
9:00	1			1
:15	1			1
Totals	17	4	1	22
9:30 am	1			1
:45	0			0
10:00	1			1
:15	1			1
:30	1			1
:45	0			0
11:00	1			1
:15	1			1
:30	1			1
:45	0			0
12:00 pm	1			1
:15	1			1
:30	1			1
:45	0			0
1:00	1			1
:15	1			1
:30	1			1
:45	0			0
2:00	1			1
:15	1			1
:30	1			1
:45	0			0
Totals	16			16

Route No. From to Period Beginning	R-4 Eye St. H St.	P-3 Eye St. H St.	E-2 Eye St. H St.	Max. Pt. All Rts. Eye St. H St.
3:00 pm	1			1
:15	1			1
:30	1			1
:45	1			1
4:00	2			2
:15	2			2
:30	1			1
:45	2			2
5:00	2			2
:15	1			1
:30	1			1
:45	1			1
6:00	1			1
:15	0			0
:30	1			1
:45	1			1
<b>Totals</b>	<b>19</b>			<b>19</b>
7:00 pm	1			1
:15	1			1
:30	1			1
:45	0			0
8:00	1			1
:15	1			1
:30	1			1
:45				
9:00				
:15				
:30				
:45				
10:00				
:15				
:30				
:45				
11:00				
:15				
:30				
:45				
<b>Totals</b>	<b>6</b>			<b>6</b>
6:00 am to Midnight				
<b>Totals</b>	<b>58</b>	<b>4</b>	<b>1</b>	<b>63</b>



D.C. TRANSIT SYSTEM, INC  
VOLUME OF TRIPS  
USING 16TH STREET, N.W.  
BETWEEN H AND L STS.  
WEEKDAY ONLY  
NORTHBOUND

Exhibit 43

Page 1 of 2

Route No. From to Period Beginning	S2,3,5,6 H St. L St.	P-3 H St. L St.	Q-7 H St. L St.	Q-9 H St. L St.	E-2 Eye St. L St.	S-1 K St. L St.	Max. Pt. All Rts. K St. L St.
6:00 am	1						1
:15	2				1		3
:30	2				1		3
:45	3				1		4
7:00	3				2		5
:15	5				1		6
:30	4				3		7
:45	4				2		6
8:00	4				2		6
:15	5				2		7
:30	4				2		6
:45	4				2		6
9:00	4				1		5
:15	3				2		5
Totals	<u>48</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>22</u>	<u>0</u>	<u>70</u>
9:30 am	4				1		5
:45	3				2		5
10:00	3				1		4
:15	3				2		5
:30	3				1		4
:45	3				1		4
11:00	3				1		4
:15	2				1		3
:30	3				1		4
:45	3				1		4
12:00 pm	3				1		4
:15	3				1		4
:30	4				1		5
:45	3				1		4
1:00	3				1		4
:15	2				1		3
:30	3				1		4
:45	3						3
2:00	3				1		4
:15	3				1		4
:30	4				1		5
:45	4				1		5
Totals	<u>68</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>23</u>	<u>0</u>	<u>91</u>

Route No. From to Period Beginning	S2,3,5,6 H St. L St.	P-3 H St. L St.	Q-7 H St. L St.	Q-9 H St. L St.	E-2 Eye St. L St.	S-1 K St. L St.	Max. Pt. All Rts. K St. L St.
3:00 pm	3				2		5
:15	4				1		5
:30	4				1		5
:45	4				2		6
4:00	5				2		7
:15	4				2	1	7
:30	7	1			4	5	17
:45	8			1	2	7	18
5:00	13			2	3	3	21
:15	10		1	2	3	4	20
:30	10		1	1	3	4	19
:45	10			2	2	4	18
6:00	8			1	2	2	13
:15	6				2	1	9
:30	4			1	2		7
:45	3				1		4
Totals	103	1	2	10	34	31	181
7:00 pm	3				1		4
:15	2				1		3
:30	2				1		3
:45	3				1		4
8:00	2				1		3
:15	1				1		2
:30	2						2
:45	1				1		2
9:00	2				1		3
:15	1				1		2
:30	1						1
:45	1				1		2
10:00	1				1		2
:15	1						1
:30	1				1		2
:45	1				1		2
11:00	1						1
:15	1				1		2
:30	1						
:45							
Totals	28	0	0	0	15	0	43
6:00 am to Midnight							
Totals	247	1	2	10	94	31	385

D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING 16TH STREET, N.W.  
BETWEEN L AND H STREETS  
WEEKDAY ONLY  
SOUTHBOUND

Exhibit 44

Page 1 of 2

Route No. from to Period Beginning	S2,5,6 L St. Eye St.	S-1 L St. K St.	Q-7 L St. Eye St.	Q-9 L St. Eye St.	Max. Pt. All Rts. L St. K St.
6:00 am	1				1
:15	1				1
:30	2	1			3
:45	2	1			3
7:00	4	2			6
:15	6	5		1	12
:30	5	6		1	12
:45	8	5	1	1	15
8:00	12	6		2	20
:15	10	5	1	1	17
:30	10	5		2	17
:45	7	3			10
9:00	5	1		1	7
:15	5				5
Totals	<u>78</u>	<u>40</u>	<u>2</u>	<u>9</u>	<u>129</u>
9:30 am	5				5
:45	3				3
10:00	4				4
:15	3				3
:30	4				4
:45	3				3
11:00	3				3
:15	3				3
:30	3				3
:45	3				3
12:00 pm	3				3
:15	3				3
:30	3				3
:45	3				3
1:00	3				3
:15	3				3
:30	2				2
:45	4				4
2:00	2				2
:15	3				3
:30	3				3
:45	3				3
Totals	<u>69</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>69</u>

Route No. From to Period Beginning	S2,5,6 L St. <u>Eye St.</u>	S-1 L St. <u>Eye St.</u>	Q-7 L St. <u>Eye St.</u>	Q-9 L St. <u>Eye St.</u>	Max. Pt. All Rts. L St. <u>K St.</u>
3:00 pm	4				4
:15	3				3
:30	3				3
:45	3				3
4:00	4				4
:15	5				5
:30	4				4
:45	4				4
5:00	5				5
:15	4				4
:30	4				4
:45	5				5
6:00	5				5
:15	3				3
:30	4				4
:45	4				4
Totals	<u>64</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>64</u>
7:00 pm	4				4
:15	3				3
:30	3				3
:45	2				2
8:00	1				1
:15	2				2
:30	1				1
:45	2				2
9:00	1				1
:15	1				1
:30	1				1
:45	1				1
10:00	1				1
:15	1				1
:30	1				1
:45	1				1
11:00					
:15	1				1
:30	1				1
:45					
Totals	<u>28</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>28</u>
6:00 am to Midnight					
Totals	<u>239</u>	<u>40</u>	<u>2</u>	<u>9</u>	<u>290</u>

## D.C. TRANSIT SYSTEM, INC.

Exhibit 45

VOLUME OF TRIPS  
 USING JACKSON PL., CONNECTICUT AVE. AND EAST 17th ST.  
 BETWEEN PENNSYLVANIA AVE. AND L ST. N.W.

WEEKDAY ONLY  
NORTHBOUND

Page 1 of 2

Route No. From To	E-2 Pa.Ave. Eye St.	USX Pa.Ave. Eye St.	Max. Pt. All Rts. Pa. Ave. Eye St.
Period			
Beginning			
6:00 am		3	3
:15	1	2	3
:30	1	4	5
:45	2	4	6
7:00	1	4	5
:15	1	4	5
:30	3	3	6
:45	2	4	6
8:00	2	4	6
:15	2	3	5
:30	2	4	6
:45	2	4	6
9:00	1	3	4
:15	2	4	6
Totals	22	50	72
9:30 am	1	3	4
:45	2	3	5
10:00	1	3	4
:15	2	2	4
:30	1	3	4
:45	1	2	3
11:00	2	3	5
:15	1	4	5
:30	1	3	4
:45	1	3	4
12:00 pm	1	1	2
:15	1	2	3
:30	1	2	3
:45		2	2
1:00	1	1	2
:15	1	2	3
:30	1	2	3
:45		2	2
2:00	1	1	2
:15	1	3	4
:30	1	4	5
:45	1	4	5
Totals	23	55	78



Route No. . From To	E-2 Pa.Ave. Eve St.	U&X Pa.Ave. Eve St.	Max. Pt. All Rts. Pa.Ave. Eve St.
Period			
Beginning			
3:00 pm	2	4	6
:15	1	4	5
:30	2	4	6
:45	1	3	4
4:00	2	5	7
:15	3	6	9
:30	2	6	8
:45	3	7	10
5:00	2	7	9
:15	3	5	8
:30	3	5	8
:45	2	5	7
6:00	2	5	7
:15	2	3	5
:30	2	4	6
:45	<u>1</u>	<u>3</u>	<u>4</u>
Totals	33	76	109
7:00 pm	1	3	4
:15	1	3	4
:30	1	2	3
:45	1	2	3
8:00	1	2	3
:15	1	2	3
:30		2	2
:45	1	2	3
9:00	1	2	3
:15	1	1	2
:30		2	2
:45	1	2	3
10:00	1	2	3
:15	1	2	3
:30		1	1
:45	1	2	3
11:00	1	1	2
:15		2	2
:30	1	1	2
:45	<u>1</u>	<u>1</u>	<u>1</u>
Totals	15	37	52
6:00 am To			
Midnight			
Totals	<u>93</u>	<u>218</u>	<u>311</u>

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D.C. TRANSIT SYSTEM, INC.

VOLUME OF TRIPS

USING WEST 17TH ST. AND CONNECTICUT AVE. N.W.

BETWEEN PENNSYLVANIA AVE. AND L ST.

WEEKDAY ONLY

NORTHEBOUND

Exhibit 46

Page 1 of 2

Route No.	40,42,45	L-1	L-3	19&Q5	Max. Pt.
From	H St.	K St.	K St.	K St.	All Rts.
to	L St.	L St.	L St.	L St.	L St.
Period					
Beginning					
6:00 am	2				2
:15	3				3
:30	5				5
:45	4				4
7:00	6				6
:15	6				6
:30	6				6
:45	8				8
8:00	6				6
:15	7				7
:30	6				6
:45	6				6
9:00	5				5
:15	4				4
Totals	74				74
9:30 am	4				4
:45	4				4
10:00	4				4
:15	4				4
:30	4				4
:45	4				4
11:00	4				4
:15	4				4
:30	4				4
:45	4				4
12:00 pm	4				4
:15	4				4
:30	4				4
:45	4				4
1:00	4				4
:15	5				5
:30	4				4
:45	4				4
2:00	4				4
:15	4				4
:30	4				4
:45	4				4
Totals	89				89

Route No.	40-42-45	L-1	L-3	L9, Q5	Max. Pt.
From	H St.	K St.	K St.	K St.	All Rts.
to	L St.	L St.	L St.	L St.	L St.
Period					
Beginning					
3:00 pm	4				4
:15	6				6
:30	5				5
:45	7				7
4:00	5				5
:15	5		1		6
:30	6	1	3	1	11
:45	7		4	1	12
5:00	9	1	5	1	16
:15	7	2	5	1	15
:30	8	1	4	2	15
:45	7	1	4	1	13
6:00	4		3	1	8
:15	4	1	1	1	7
:30	3		1		4
:45	3				3
Totals	90	7	31	9	137
7:00 pm	1				1
:15	2				2
:30	2				2
:45	1				1
8:00	2				2
:15	1				1
:30	1				1
:45	2				2
9:00	1				1
:15	1				1
:30	1				1
:45	2				2
10:00	1				1
:15	1				1
:30	1				1
:45	2				2
11:00	1				1
:15	1				1
:30	1				1
:45	2				2
Totals	27				27
6:00 am to Midnight					
Totals	280	7	31	9	327

D.C. TRANSIT SYSTEM, INC.  
 VOLUME OF TRIPS  
 USING WEST 17TH ST. AND CONNECTICUT AVE. N.W.  
 BETWEEN L ST. AND PENNSYLVANIA AVE.  
 WEEKDAY ONLY  
SOUTHBOUND

Exhibit 47

Page 1 of 2

Route No.	N2,4	40,42,45	L-1	L-7	L9,Q5	Max. Pt.
From	L St.	L St.	L St.	L St.	L St.	All Rts.
to	H St.	Eye St.	Eye St.	Eye St.	Eye St.	Eye St.
Period						
Beginning						
6:00 AM	0	2				2
:15	1	2				3
:30	1	2				3
:45	1	3				4
7:00	1	4				5
:15	2	5		1		8
:30	1	6		2	2	11
:45	1	7	1	4	1	14
8:00	3	7	1	4	1	16
:15	4	10	1	7	1	23
:30	4	9	1	6	1	21
:45	2	8	1	5	1	17
9:00	4	6	1			11
:15	3	5	1			9
Totals	20	76	7	29	7	147
9:30 am	2	4				6
:45	1	4				5
10:00	2	4				6
:15	1	4				5
:30	1	4				5
:45	1	4				5
11:00	2	4				6
:15	1	4				5
:30	1	4				5
:45	1	5				6
12:00 pm	2	4				6
:15	1	4				5
:30	1	4				5
:45	1	4				5
1:00	2	4				6
:15	1	4				5
:30	1	4				5
:45	2	4				6
2:00	1	4				5
:15	1	4				5
:30	2	4				6
:45	2	4				6
Totals	30	89				119

Route No.	M2,4	40,42,45	L-1	L-7	L9,Q5	Max. Pt.
From	L St.	L St.	L St.	L St.	L St.	All Rts
to	H St.	Eye St.	Eye St.	Eye St.	Eye St.	L St.
Period						Eye St.
Beginning						
3:00 pm	2	4				6
:15	2	4				6
:30	2	4				6
:45	1	4				5
4:00	3	5				8
:15	4	5				9
:30	3	6				9
:45	4	6				10
5:00	2	6				8
:15	2	7				9
:30	4	6				10
:45	3	6				9
6:00	3	5				8
:15	2	5				7
:30	1	3				4
:45	1	4				5
Totals	39	80				119
7:00 pm	1	3				4
:15	1	3				4
:30	1	2				3
:45	1	2				3
8:00	0	2				2
:15	1	1				2
:30	1	2				3
:45	1	1				2
9:00	0	2				2
:15	1	1				2
:30	1	1				2
:45	1	2				3
10:00	0	1				1
:15	1	1				2
:30	1	1				2
:45	1	2				3
11:00	0	1				1
:15	1	1				2
:30	1	1				2
:45	1	2				3
Totals	16	32				48
6:00 am to						
Midnight						
Totals	113	277	7	29	7	433



D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING 16TH STREET, N.W.  
BETWEEN C STREET AND L STREET  
WEEKDAY ONLY  
NORTHEBOUND

Exhibit 48

										Max. Pt.
										All Except
Route No.	39	*80	82	R-4	S-1	P-1	49	N2,4	L-2	L & N Rts.
From	C St.	C St.	C St.	C St.	C St.	C St.	C St.	H St.	K St.	C St.
to	Penna.Ave.	Penna.Ave.	Penna.Ave.	Eye St.	K St.	L St.	L St.	L St.	L St.	Penna.Ave.
Period										
Beginning										
6:00 am		1	1	0				1	1	4
:15		1	1	1				1	2	6
:30		1	2	1				2	1	7
:45		1	1	1				2	2	7
7:00		1	3	1				2	2	9
:15		1	2	1				3	3	10
:30		2	2	1				3	2	10
:45		1	2	1				2	4	10
8:00		1	2	2				3	3	11
:15		2	2	2				4	3	13
:30		2	3	1				4	3	13
:45		1	2	2				2	2	9
9:00		2	2	1				4	2	11
9:00		2	2	1				3	1	9
Totals		19	27	16				36	31	129
9:30 am		1	2	1				2	1	7
:45		2	1	1				1	1	6
10:00		2	2	1				2	1	8
:15		1	1	0				1	1	4
:30		2	2	1				1	1	7
:45		2	1	1				1	1	6
11:00		1	2	1				2	1	7
:15		2	1	0				1	1	5
:30		2	2	1				1	0	6
:45		2	1	1				1	1	6
12:00 pm		1	2	1				2	1	7
:15		2	1	0				1	1	5
:30		2	2	1				1	0	6
:45		1	1	1				1	1	5
1:00		2	2	1				2	1	8
:15		2	1	0				1	1	5
:30		1	2	1				1	0	5
:45		2	1	1				1	1	6
2:00		2	2	1				1	2	8
:15		1	2	0				1	1	5
2:00		2	3	1				2	1	9
2:00		2	4	1				1	1	9
Totals		37	38	17				28	20	140

Rt.80

\* - Denotes Leaves from F St. During Rush Hours.

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- 2 -

Max. Pt.  
All Except  
L & N Rts.  
C St.  
Penna. Ave.

Route No.	39	*80	82	R-4	S-1	P-1	49	N2,4	L-2	
From	C St.	C St.	C St.	C St.	C St.	C St.	C St.	H St.	K St.	C St.
to	Penna.Ave.	Penna.Ave.	Penna.Ave.	Eye St.	K St.	L St.	L St.	L St.	L St.	Penna. Ave.
Period Beginning										
3:00 pm		2	3	1				3	1	10
:15		2	3	0				2	1	8
:30		1	3	1				2	2	9
:45		2	3	1				2	1	9
4:00	2	2	3	1				3	1	12
:15	2	2	6	1	2			4	2	19
:30	0	2	5	1	6	2	1	3	1	21
:45	6	2	5	2	5		1	5	2	28
5:00	4	2	5	2	3		1	2	3	22
:15	1	1	4	3	3	1	1	3	3	20
:30		2	4	2	2		1	4	3	18
:45		2	4	2	1	1		3	2	12
6:00		2	3	1	1			3	2	11
:15		2	2	1	1			1	2	8
:30		2	2	1				1	1	6
:45		1	2	1				1		
Totals	15	29	57	21	24	4	5	44	30	229
7:00 pm		1	2	1				1	1	6
:15		1	1	0				1	1	4
:30		1	1	1				1	1	5
:45		1	1	1				0	1	5
8:00		1	2	1				1	0	3
:15		1	1	0				1	1	4
:30		0	1	1				1	1	5
:45		1	1	1				0	1	4
9:00		1	1	1				1	0	3
:15		1	1	1				1	1	3
:30		0	1	1				1	1	4
:45		1	1	1				0	1	3
10:00		1	1	1				1	0	2
:15		0	1	1				1	1	4
:30		1	1	1				1	1	3
:45		0	1	1				1	1	3
11:00		1	0	0				0	1	2
:15		0	1	1				1	1	3
:30		1	1	1				1	0	3
:45		0	0	1				1	1	2
Totals		14	20	7				16	16	73
6:00 am										
Midnight										
Totals	15	99	142	61	24	4	5	124	97	571

\* - Denotes Rt.80 Leaves from F St. during rush Hours.

D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING PENNSYLVANIA AVE. N.W.  
BETWEEN 18TH AND 10TH STREETS  
WEEKDAY ONLY  
EASTBOUND

Exhibit 49

PAGE 1 OF 2

Route No.	30-38	80	82	R-3	54	L-1	Govt. Minibus	P-9	R-6	Max. Point 30-38-80-82
FROM	18th St.	18th St.	18th St.	15th St.	14th St.	13th St.	13th St.	131/2 St.	17-St.	17-St.
TO	10th St.	15th St.	15th St.	10th St.	10th St.	10th St.	10th St.	10th St.	15-St.	15-St.
<hr/>										
Period Beginning										
8:00 am	2	1	1		2				1	5
:15	3	2	2		2				1	8
:30	3	1	1		3				1	6
:45	4	2	1		2				1	8
9:00	3	2	2	2	2				1	8
:15	5	2	2	1	3				1	10
:30	4	3	2	2	2				1	10
:45	4	2	2	2	3	1			2	10
10:00	7	3	2	2	3				1	13
:15	8	3	2	1	2	1			1	14
:30	9	2	3	2	2	1			1	15
:45	10	2	2	1	2	1			1	15
11:00	6	2	2	1	3	1			1	11
:15	4	2	2		2	1			1	9
TOTALS	72	29	26	14	33	6			15	142
<hr/>										
9:30 am	3	3	2		2	1	1		1	9
:00	3	1	2		1	2	2		1	7
:15	3	2	1		2	1	1		1	7
:30	3	1	2		2	2	2		1	7
:45	3	2	1		2	1	1		1	7
12:00 pm	3	2	1		1	2	2		1	7
:15	3	1	2		2	1	1		1	7
:30	3	2	1		1	2	2		1	7
:45	3	1	2		2	2	2		1	7
1:00	3	2	1		1	1	1		1	7
:15	3	1	2		2	2	2		1	7
:30	3	2	1		1	2	1		1	7
:45	3	1	2		2	2	2		1	7
2:00	3	2	2		2	1	1		1	8
:15	4	2	1		1	2	2		1	8
:30	3	2	3		2	1	1		1	9
:45	3	2	4		1	2	2		1	10
TOTALS	67	36	38		35	1	33		22	163

Max. Point  
30-38-80-S2

Gov't.

Minibus

P-9

R-6

R-6

Route No.	30-33	80	82	R-3	54	L-1	Gov't.	P-9	R-6	R-6
FROM	18th St.	18th St.	18th St.	15th St.	14th St.	13th St.	13th St.	131/2 St.	17th St.	17th St.
TO	10th St.	15th St.	15th St.	10th St.	10th St.	10th St.	10th St.	10th St.	15th St.	15th St.

## Period

## Beginning

3:00 pm	4	2	3		2		1		1	10
:15	4	3	3		1		2		1	11
:30	5	2	3		2		1		1	11
:45	4	3	3		1				1	11
4:00	5	3	3		3				2	13
:15	6	3	5	1	2				1	15
:30	8	4	6	2	2			1	1	19
:45	6	4	5	1	2			1	1	17
5:00	10	3	5	2	4			1	1	19
:15	8	4	5	1	2			1	1	18
:30	5	2	4		2			1	1	12
:45	4	3	4		3			1	2	13
6:00	5	2	3		1				1	11
:15	5	2	3		2				1	11
:30	3	2	2		1				1	8
:45	3	1	2		2				1	7
TOTALS	85	43	59	7	32		4	4	19	206

## 7:00 pm

:15	2	1	1		1				1	5
:30	2	1	2		2				1	6
:45	3	1	1		1				1	6
8:00	2	1	1		1				1	4
:15	2		2		1				1	5
:30	3	1	1		1				1	4
:45	2	1	1		1				1	5
9:00	2	1	1		1				1	4
:15	2		1		1				1	5
:30	3	1	1		1				1	5
:45	2	1	1		1				1	5
10:00	2	1	1		1				1	3
:15	2		1		1				1	6
:30	3	1	1		1				1	3
:45	2	1	1		1				1	5
11:00	2	1	1		1				1	4
:15	2		1		1				1	5
:30	3	1	1		1				1	4
:45	2	1	1		1				1	4
TOTALS	45	16	20		20				13	94

## 6:00 am to

## Midnight

TOTALS	269	124	143	21	120	7	37	4	69	605
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D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING PENNSYLVANIA AVE. N.W.  
BETWEEN 10TH AND 19TH STS.  
WEEKDAY ONLY  
WESTBOUND

Exhibit 50

Page 1 of 2

St.No.	30-39	54	80	82	E-2	U & X	R-3	L-1	Govt	Max. Point
From	10th St.	10th St.	15th St.	15th St.	15th St.	15th St.	10th St.	10th St.	10th St.	30-39, 80, 8
To	19th St.	14th St.	19th St.	19th St.	Jack.	Jack.	13 <sup>2</sup> St.	15th St.	13 <sup>2</sup> St.	E-2, U&X 15th St. Jack.
Period										
Beg..										
6:00am	3	1	2	2	1	3				11
:15	3	1	1	1	-	4				9
:30	5	2	2	2	2	3				14
:45	6	2	1	3	1	3				14
7:00	6	3	3	3	1	4	2			17
:15	5	2	2	4	2	4	1			17
:30	8	3	3	4	2	5	2			22
:45	7	2	4	4	3	5	2			23
8:00	9	3	3	5	3	4	2			24
:15	7	3	4	7	4	5	1			27
:30	8	2	3	5	3	7	2			26
:45	7	3	3	5	4	6	1			25
9:00	5	2	3	4	3	5	1			20
:15	4	2	3	3	2	6				18
to 1st 83	31	37	52	31	64	14				267
9:30am	3	2	2	3	2	3				13
:45	3	2	2	2	1	5				13
10:00	3	2	3	2	2	4		1		14
:15	3	1	2	2	1	4		1		12
:30	3	2	2	2	2	3		2		12
:45	3	1	2	2	1	2		1		10
11:00	3	2	2	2	1	4		2		12
:15	3	1	1	2	1	4		1		11
:30	3	2	2	1	1	2		2		9
:45	3	1	1	2	1	3		1		10
12:00pm	3	2	2	1	1	2		2		9
:15	3	1	1	2	1	2		1		9
:30	3	2	2	1	1	1		2		8
:45	3	2	1	2	1	2		1		9
1:00	3	1	2	1	1	2		2		9
:15	3	2	1	2	1	2		1		9
:30	3	1	2	1	1	1		2		8
:45	3	2	1	2	1	2		1		9
2:00	3	1	2	1	-	2		1		8
:15	3	2	1	2	1	1		2		8
:30	3	1	2	1	1	3		1		12
:45	5	2	1	2	1	3				
to 1st 68	35	37	38	24	56				29	223



										Max. Point
										30-39, 80, 8
Rt.	30-39	54	80	82	E-2	U&X	R-3	L-1	Govt	E2, U&X
From	10th St.	10th St.	15th St.	15th St.	15th St.	15th St.	10th St.	10th St.	Minibus	15th St.
To	19th St.	14th St.	19th St.	19th St.	Jack.	Jack.	13 <sup>2</sup> St.	13th St.	13 <sup>2</sup> St.	Jack.
Period										
Beg.										
3:00pm	3	2	2	1	1	2			2	9
:15	4	2	3	2	2	2			1	13
:30	4	2	2	1	1	2			2	10
:45	5	2	3	3	2	4			1	17
4:00	4	2	3	3	3	3			2	16
:15	4	2	2	3	2	4	1	1		15
:30	5	2	3	3	1	3	2	-		15
:45	6	2	2	3	1	5	1	1		17
5:00	9	3	3	3	2	5	2	1		22
:15	8	2	2	3	2	3	1	2		18
:30	8	4	2	2	1	5	2	-		18
:45	8	2	3	3	2	3	1	1		19
6:00	6	3	2	2	2	3	1	1		15
:15	4	3	1	2	2	3				12
:30	5	2	2	2	1	3				13
:45	3	1	1	1	1	3				9
Totals	86	36	36	37	26	53	11	7	8	238
7:00pm	3	2	1	2	1	3				10
:15	2	1	1	1	1	3				8
:30	3	1	1	1	1	2				8
:45	2	2	1	1	1	2				7
8:00	3	1	-	2	1	2				8
:15	2	2	1	1	1	2				7
:30	2	1	1	1	1	2				7
:45	2	1	1	1	-	2				6
9:00	3	1	-	1	1	1				6
:15	2	1	1	1	1	2				7
:30	2	1	1	1	1	2				7
:45	3	1	1	1	-	2				7
10:00	2	1	-	1	1	2				6
:15	3	1	1	1	1	2				8
:30	1	1	1	-	1	2				5
:45	3	1	1	1	1	2				7
11:00	2	1	-	1	1	2				6
:15	2	0	1	1	-	1				5
:30	2	1	1	-	1	3				7
:45	3	1	-	1	-	1				5
Totals	47	22	15	20	15	40				137
6:00am to Midnight										
Totals	284	124	125	147	96	213	25	7	37	865

## D.C. TRANSIT SYSTEM, INC.

VOLUME OF TRIPS  
 USING F STREET, N.W.  
 BETWEEN 15TH AND 11TH STS.  
 WEEKDAY ONLY  
EASTBOUND

Exhibit 51

Page 1 of 2

Route No. From to Period Beginning	40-42 14th St. 11th St.	Minibus 15th St. 11th St.	Max. Pt. All Rts. 14th St. 11th St.
6:00 am	2		2
:15	1		1
:30	3		3
:45	2		2
7:00	4		4
:15	4		4
:30	4		4
:45	6		6
8:00	5		5
:15	5		5
:30	5		5
:45	6		6
9:00	6		6
:15	5		5
Totals	58	0	58
9:30 am	5		5
:45	4		4
10:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
11:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
12:00 pm	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
1:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
2:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
Totals	89	100	189

Route No. From to	40-42 14th St. 11th St.	Minibus 15th St. 11th St.	Max. Pt. All Rts. 14th St. 11th St.
Period Beginning			
3:00 pm	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
4:00	5	5	10
:15	5	5	10
:30	6	5	11
:45	6	5	11
5:00	6	5	11
:15	6	5	11
:30	6	5	11
:45	7	5	12
6:00	6	1	7
:15	4		4
:30	4		4
:45	4		4
Totals	81	61	142
7:00 pm	3		3
:15	3		3
:30	2		2
:45	3		3
8:00	1		1
:15	2		2
:30	1		1
:45	2		2
9:00	1		1
:15	2		2
:30	1		1
:45	1		1
10:00	1		1
:15	2		2
:30	1		1
:45	1		1
11:00	2		2
:15	1		1
:30	1		1
:45	1		1
Totals	32	0	32
6:00 am to Midnight			
Totals	260	161	421

## D.C. TRANSIT SYSTEM, INC.

VOLUME OF TRIPS  
 USING F STREET, N.W.  
 BETWEEN 11TH AND 15TH STREETS  
 WEEKDAY ONLY  
WESTBOUND

Exhibit 52

Page 1 of 2

Route No. From To	40-42 11th St. 14th St.	Minibus 11th St. 15th St.	Max. Pt. All Rts. 11th St. 14th St.
Period			
Beginning			
6:00 am	2		2
:15	3		3
:30	5		5
:45	5		5
7:00	6		6
:15	6		6
:30	7		7
:45	7		7
8:00	8		8
:15	6		6
:30	6		6
:45	6		6
9:00	5		5
:15	4		4
Totals	76	0	76
9:30 am	4		4
:45	4	1	5
10:00	4	5	9
:15	4	5	9
:30	3	5	8
:45	4	5	9
11:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	5	5	10
12:00 pm	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
1:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	4	5	9
2:00	4	5	9
:15	4	5	9
:30	4	5	9
:45	5	5	10
Totals	89	101	190

Route No.	40-42	Minibus	Max. Pt.
From	11th St.	11th St.	All Rts.
To	14th St.	15th St.	11th St. 14th St.
Period			
Beginning			
3:00 pm	4	5	9
:15	6	5	11
:30	6	5	11
:45	6	5	11
4:00	4	5	9
:15	6	5	11
:30	6	5	11
:45	8	5	13
5:00	8	5	13
:15	8	5	13
:30	7	5	12
:45	6	5	11
6:00	5	2	7
:15	3		3
:30	3		3
:45	2		2
Totals	88	62	150
7:00 pm	2		2
:15	2		2
:30	1		1
:45	2		2
8:00	1		1
:15	2		2
:30	1		1
:45	1		1
9:00	1		1
:15	2		2
:30	1		1
:45	1		1
10:00	1		1
:15	2		2
:30	1		1
:45	1		1
11:00	1		1
:15	2		2
:30	1		1
:45	1		1
Totals	27	0	27
6:00 am To			
Midnight			
Totals	280	163	443



D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING G STREET, N.W.  
BETWEEN 15TH AND 11TH STS. N.W.  
WEEKDAY ONLY  
EASTBOUND

Exhibit 53

Page 1 Of 2

Route No. From To	80 15th St. 11th St.	82 15th St. 11th St.	Max. Pt.. All Rts. 15th St. 11th St.
Period			
Beginning			
6:00 am	1	1	2
:15	1	2	3
:30	1	1	2
:45	1	2	3
7:00	2	2	4
:15	2	2	4
:30	2	2	4
:45	3	2	5
8:00	2	2	4
:15	3	2	5
:30	3	3	6
:45	2	2	4
9:00	2	2	4
:15	2	2	4
Totals	27	27	54
9:30 am	2	2	4
:45	2	2	4
10:00	2	1	3
:15	1	2	3
:30	2	1	3
:45	1	2	3
11:00	2	1	3
:15	1	2	3
:30	2	1	3
:45	1	2	3
12:00 pm	2	1	3
:15	1	2	3
:30	2	1	3
:45	1	2	3
1:00	2	1	3
:15	1	2	3
:30	2	1	3
:45	1	2	3
2:00	2	1	3
:15	2	2	4
:30	2	3	5
:45	2	3	5
Totals	36	37	73

Route No.	80	82	Max. Pt.
From	15th St.	15th St.	All Rts.
To	11th St.	11th St.	15th St.
			11th St.
Period			
Beginning			
3:00 pm	2	3	5
:15	2	4	6
:30	3	3	6
:45	3	3	6
4:00	3	3	6
:15	3	5	8
:30	3	4	7
:45	4	5	9
5:00	4	5	9
:15	3	5	8
:30	3	5	8
:45	2	3	5
6:00	3	4	7
:15	2	2	4
:30	1	2	3
:45	2	2	4
Totals	43	58	101
7:00 pm	1	2	3
:15	1	1	2
:30	1	2	3
:45	1	1	2
8:00	1	1	2
:15	0	1	1
:30	1	2	3
:45	1	1	2
9:00	1	1	2
:15	0	1	1
:30	1	1	2
:45	1	1	2
10:00	1	1	2
:15	0	1	1
:30	1	1	2
:45	1	0	1
11:00	1	1	2
:15	0	1	1
:30	1	1	2
:45	1	0	1
Totals	16	21	37
6:00 am To			
Midnight			
Totals	122	143	265

## D.C. TRANSIT SYSTEM, INC.

VOLUME OF TRIPS  
 USING G STREET N.W.  
 BETWEEN 11TH AND 15TH STS.  
 WEEKDAY ONLY  
WESTBOUND

Exhibit 54

Page 1 of 2

Route No. From To	80 11th St. 15th St.	82 11th St. 15th St.	Max. Pt. All Rts. 11th St. 15th St.
Period			
Beginning			
6:00 am	2	1	3
:15	1	1	2
:30	2	1	3
:45	2	1	3
7:00	2	2	4
:15	2	1	3
:30	3	1	4
:45	5	1	6
8:00	3	2	5
:15	3	2	5
:30	4	1	5
:45	3	2	5
9:00	2	2	4
:15	<u>3</u>	<u>1</u>	<u>4</u>
Totals	37	19	56
9:30 am	2	2	4
:45	3	2	5
10:00	2	1	3
:15	2	2	4
:30	2	2	4
:45	2	2	4
11:00	2	1	3
:15	1	2	3
:30	2	2	4
:45	1	1	2
12:00 pm	2	2	4
:15	1	2	3
:30	2	1	3
:45	1	2	3
1:00	2	2	4
:15	1	1	2
:30	2	2	4
:45	1	2	3
2:00	2	1	3
:15	1	2	3
:30	2	2	4
:45	<u>1</u>	<u>2</u>	<u>3</u>
Totals	37	38	75

Route No. From To	80 11th St. 15th St.	82 11th St. 15th St.	Max. Pts. All Rts. 11th St. 15th St.
Period Beginning			
3:00 pm	3	1	4
:15	2	2	4
:30	3	2	5
:45	3	1	4
4:00	2	2	4
:15	3	2	5
:30	2	2	4
:45	3	2	5
5:00	2	2	4
:15	2	1	3
:30	3	2	5
:45	2	2	4
6:00	2	2	4
:15	2	2	4
:30	1	1	2
:45	1	2	3
Totals	36	28	64
7:00 pm	1	1	2
:15	1	1	2
:30	1	1	2
:45	1	1	2
8:00	0	1	1
:15	1	1	2
:30	1	1	2
:45	1	1	2
9:00	0	1	1
:15	1	1	2
:30	1	0	1
:45	1	1	2
10:00	0	1	1
:15	1	1	2
:30	1	0	1
:45	1	1	2
11:00	0	1	1
:15	1	1	2
:30	1	0	1
:45	0	1	1
Totals	15	17	32
6:00 am To Midnight Totals	<u>125</u>	<u>102</u>	<u>227</u>

D.C. TRANSIT SYSTEM, INC.  
 VOLUME OF TRIPS  
 USING NEW YORK AVENUE, N.W.  
 BETWEEN 11TH AND 15TH STS.  
 WEEKDAY ONLY  
WESTBOUND

Exhibit 55

Route No. FROM TO	U & X 11th St. 15th St.	Route No. FROM TO	U & X 11th St. 15th St.
Period Beginning		Period Beginning	
6:00 am	4	3:00 pm	1
:15	3	:15	3
:30	4	:30	2
:45	3	:45	3
7:00	4	4:00	4
:15	4	:15	4
:30	5	:30	4
:45	5	:45	5
8:00	5	5:00	4
:15	5	:15	4
:30	7	:30	4
:45	6	:45	3
9:00	5	6:00	3
:15	5	:15	3
		:30	3
TOTALS	55	:45	3
9:30 am	3	TOTALS	53
:45	5		
10:00	4	7:00 pm	3
:15	4	:15	2
:30	2	:30	3
:45	3	:45	1
11:00	4	8:00	2
:15	3	:15	2
:30	3	:30	2
:45	3	:45	2
12:00 pm	1	9:00	2
:15	2	:15	2
:30	2	:30	2
:45	2	:45	1
1:00	1	10:00	2
:15	2	:15	2
:30	2	:30	2
:45	2	:45	2
2:00	1	11:00	2
:15	2	:15	2
:30	2	:30	2
:45	3	:45	1
TOTALS	56	TOTALS	39
		6:00 am to Midnight TOTALS	213



VOLUME OF TRIPS  
USING E STREET, N.W.  
BETWEEN 14TH & 18TH STREETS  
WEEKDAY ONLY  
WESTBOUND

Exhibit 56

Route No.	N-2,4	40-42	Q-7	Q-9	R-4	S-2,3,5,6	Max. Point All Rts. Ver. Ave.
FROM	17th St.	14th St.	12th St.	12th St.	Ver. Ave.	12th St.	Ver. Ave.
TO	18th St.	17th St.	16th St.	16th St.	19th St.	16th St.	16th St.
Period							
Beginning							
6:00 am	-	2			1	1	4
:15	1	3			1	2	7
:30	1	5			1	2	9
:45	1	4			1	2	8
7:00	1	6			1	4	12
:15	2	6			1	3	12
:30	1	6			2	5	14
:45	1	8			2	4	15
8:00	3	6			2	4	15
:15	4	8			1	5	13
:30	4	7			1	4	16
:45	2	6			1	5	14
9:00	4	6			1	3	14
:15	3	4			1	4	12
Totals	23	77			17	46	170
9:30 am	2	4			1	3	10
:45	1	4			-	3	8
10:00	2	4			1	3	10
:15	1	4			1	4	10
:30	1	4			1	3	9
:45	1	4			-	2	7
11:00	2	4			1	3	10
:15	1	4			1	3	9
:30	1	4			1	2	8
:45	1	4			-	4	9
12:00 pm	1	4			1	3	10
:15	2	4			1	3	9
:30	1	4			1	3	9
:45	1	4			-	3	8
1:00	2	4			1	3	10
:15	1	5			1	3	10
:30	1	4			1	3	9
:45	2	4			-	3	9
2:00	1	4			1	3	9
:15	1	4			1	3	10
:30	2	4			1	3	10
:45	2	4			-	4	10
Totals	30	89			16	67	202

Route No.	N-2,4	40-42	Q-7	Q-9	R-4	S-2,3,5,6	Max. Points
FROM	17th St.	14th St.	12th St.	12th St.	Ver.Ave.	12th St.	All Rts.
TO	18th St.	17th St.	16th St.	16th St.	19th St.	16th St.	16th St.
Period							
Beginning							
3:00 pm	2	4			1	4	11
:15	2	6			1	3	12
:30	2	5			1	4	12
:45	1	7			1	4	13
4:00	3	5			2	5	15
:15	4	5			2	5	16
:30	3	6			1	6	16
:45	4	7		2	2	7	22
5:00	2	9	1	1	2	10	25
:15	2	7		2	1	11	23
:30	3	8	1	2	1	11	26
:45	3	7		1	1	10	22
6:00	3	5		1	1	8	18
:15	3	4		-	-	8	15
:30	1	3		1	1	4	10
:45	1	3		1	1	3	8
Totals	39	91	2	10	19	103	264
7:00 pm	1	1			1	3	6
:15	1	2			1	2	6
:30	1	2			1	3	7
:45	1	1			-	2	4
8:00	-	2			1	2	5
:15	1	1			1	3	6
:30	1	1			1	2	5
:45	1	2				1	4
9:00	-	1				2	3
:15	1	1				1	3
:30	1	1				1	4
:45	1	2				1	2
10:00	-	1				1	3
:15	1	1				1	3
:30	1	1				1	4
:45	1	2				1	2
11:00	-	1				1	3
:15	1	1				1	3
:30	1	1				-	3
:45	1	2				-	3
Totals	16	27			6	30	79
6:00 am To							
Midnight							
Totals	113	284	2	10	58	248	715

D.C. TRANSIT SYSTEM, INC.  
VOLUME OF TRIPS  
USING EYE STREET, N.W.  
BETWEEN 18TH AND 11TH STREET  
WEEKDAY ONLY  
EASTBOUND

Exhibit 57

Page 1 of 2

Route No.	40-42	L-7	L-1	L9&Q5	U & X	S2,5,6	Q-7	Q-9	E-2	R-4	Max. PT. All Rts. 16th Vermont
From	17th	17th	17th	17th	Conn.	16th	16th	16th	Conn.	18th	
To	14th	13th	13th	13th	11th	11th	11th	11th	16th	Vermont	
Period											
Beginning											
6:00 am	2				3	1				1	6
:15	2				2	2				1	7
:30	2				4	1			1	1	9
:45	3				4	2			2	1	13
7:00	4				4	4			1	1	14
:15	5	1			4	5		1	1	1	18
:30	6	2		2	3	6		1	3	1	24
:45	7	4	1	1	4	9	1	1	2	1	31
8:00	7	4	1	1	4	11		2	2	1	33
:15	10	7	1	1	3	11	1	1	2	2	39
:30	9	6	1	1	4	10		2	2	1	37
:45	9	5	1	1	4	6		-	1	2	29
9:00	6		1		3	5		1	1	1	19
:15	5		1		4	5		2	2	1	18
Totals	77	29	7	7	50	79	2	9	21	16	297
9:30 am	4				3	5			1	1	14
:45	4				3	4			2	1	14
10:00	4				3	3			1	-	11
:15	4				2	4			2	1	13
:30	4				3	3			1	1	12
:45	4				2	3			2	1	12
11:00	4				3	3			1	-	11
:15	4				4	4			1	1	14
:30	4				3	3			1	1	12
:45	5				3	3			1	1	13
12:00 pm	4				1	2			1	-	8
:15	4				2	3			1	1	11
:30	4				2	3			1	1	11
:45	4				2	3			-	1	10
1:00	4				1	3			1	-	9
:15	4				2	3			1	1	11
:30	4				2	3			1	1	11
:45	4				2	3			-	1	10
2:00	4				1	3			1	-	9
:15	4				3	2			1	1	11
:30	4				4	3			1	1	13
:45	4				4	3			2	1	14
Totals	89				55	69			24	17	254

Rt.No.	40-42	L-7	L-1	L-9&Q-5	U&X	S-2,5,6	Q-7	Q-9	E-2	R-4	Max. Pt.
From	17th	17th	17th	17th	Conn.	16th	16th	16th	Conn.	18th	All Rts.
To	14th	13th	13th	13th	11th	11th	11th	11th	16th	Vermont	16th Vermont

Period  
Beginning

3:00 pm	4				4	4			3	-	15
:15	4				4	3			1	1	13
:30	4				4	3			2	1	14
:45	4				3	3			1	1	12
4:00	5				5	5			2	-	17
:15	5				6	3			3	2	19
:30	6				6	4			3	1	20
:45	6				7	5			2	1	21
5:00	6				7	4			3	3	23
:15	7				5	4			3	3	22
:30	6				5	4			2	2	19
:45	6				5	6			2	1	20
6:00	5				5	4			2	2	18
:15	5				3	4			2	1	15
:30	3				4	4			2	1	14
:45	4				3	4			1	-	12
Totals	80				76	64			34	20	274

7:00 pm	3				3	3			1	1	11
:15	3				3	3			1	1	11
:30	2				2	3			1	1	9
:45	2				2	2			1	1	8
8:00	2				2	2			1	-	7
:15	1				2	1			1	1	6
:30	2				2	2			-	1	7
:45	1				2	1			1	1	6
9:00	2				2	1			1	1	7
:15	1				1	1			1		4
:30	1				2	1			-		4
:45	2				2	1			1		6
10:00	1				2	1			1		5
:15	1				2	1			1		5
:30	1				1	1			-		3
:45	2				2	1			1		6
11:00	1				1	-			1		3
:15	1				2	1			-		4
:30	1				1	1			1		4
:45	2				1	1			-		4
Totals	32				37	28			15	8	120

6:00am to  
Midnight

Totals	278	29	7	7	218	240	2	9	94	61	945
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## D.C. TRANSIT SYSTEM, INC.

VOLUME OF TRIPS  
 USING K STREET, N.W.  
 BETWEEN 18TH AND 11TH STS.  
 WEEKDAY ONLY  
EASTBOUND

Exhibit 58

Page 1 of 2

Route No.	I2-4	D2-4	J-5	T2&Q3	O-5	T7,9	W.V.&M.	Max. Pt.
From	18th	18th	18th	18th	18th	18th	18th	18th
To	13th	11th	13th	13th	11th	13th	11th	13th
Period Beginning								
6:00 am	1	2					3	6
:15	2	1					4	7
:30	2	1					4	7
:45	2	2					6	10
7:00	4	1					4	9
:15	3	2			1	1	7	14
:30	5	2	1			1	9	18
:45	5	2	-	1		1	16	25
8:00	6	5	1	1	1	2	17	33
:15	8	6	-		1	3	18	36
:30	7	5	1	1		1	16	31
:45	5	5	1		1	1	12	25
9:00	6	5	-			1	8	20
:15	4	4	1			1	7	17
Totals	60	43	5	3	4	12	131	258
9:30 am	4	4	-	1			4	13
:45	5	3	1				5	14
10:00	3	3	-	1			4	11
:15	4	3	1				5	13
:30	3	2	-				4	9
:45	4	2	1				5	12
11:00	3	2	-				4	9
:15	4	2	1				4	11
:30	3	2	-	1			4	10
:45	4	1	1				5	11
12:00 pm	2	2	-				4	8
:15	3	1	1				4	9
:30	3	2	-	1			4	10
:45	3	1	1				5	10
1:00	2	2	-				4	8
:15	3	1	1				4	9
:30	3	2	-	1			4	10
:45	3	1	1				5	10
2:00	2	2	-				4	8
:15	3	1	1				4	9
:30	3	3	-	1			4	11
:45	3	1	1				5	10
Totals	70	43	11	6			95	225



Route No. From To	L2,4 18th 13th	D2,4 18th 11th	J-5 18th 13th	T2&Q3 18th 13th	05 18th 11th	T7&9 18th 13th	W.V.&M. 18th 11th	Max. Pt. All Rts. 18th 13th
3:00 pm	3	2	-				4	9
:15	4	7	1				4	16
:30	4	4	1				4	13
:45	5	4	-	1			6	16
4:00	4	4	1				6	15
:15	7	3	-				4	14
:30	4	3	1				6	14
:45	7	5	1	2		1	7	23
5:00	6	4	-			1	8	19
:15	5	4	1				6	16
:30	7	4	-				8	19
:45	6	4	1	1		1	4	17
6:00	4	4	-	1	1	1	8	19
:15	5	3	1	1		1	3	14
:30	4	3	-				6	13
:45	5	3	1				3	12
Totals	80	61	9	6	1	5	87	249
7:00 pm	2	3	-				2	7
:15	4	2	1				3	10
:30	2	1	1				2	6
:45	3	2	-	1			4	10
8:00	2	1	1				1	5
:15	2	1	-				3	6
:30	1	1	1				1	4
:45	2	1	-				4	7
9:00	2	1	-				1	4
:15	2	1	1				3	7
:30	1	1	-				1	3
:45	2	1	1				3	7
10:00	2	1	-				1	4
:15	1	1	1				3	6
:30	2	-	-				1	3
:45	1	1	1				2	5
11:00	2	1	-				1	4
:15	1	1	1				3	6
:30	2	-	-	1			1	4
:45	1	1	1				0	3
Totals	37	22	10	2			40	111
6:00 am to Midnight Totals	247	169	35	17	5	17	353	843

D.C. TRANSIT SYSTEM, INC.  
 VOLUME OF TRIPS  
 USING K STREET, N.W.  
 BETWEEN 11TH AND 18TH STS.  
 WEEKDAY ONLY  
 WESTBOUND

Exhibit 59

Page 1 of 2

Max. Pt.  
 All Rts.  
 13th  
 Conn.

Route No. From to	L2,4 13th 18th	D2,4 11th 18th	J-5 13th 18th	T2&Q3 13th 18th	O-5 11th 18th	T7&9 13th 18th	L-1 13th Conn.	L-3 13th Conn.	L9&Q5 13th Conn.	W.V.&M. 11th 18th	Max. Pt. All Rts. 13th Conn.
Period Beginning											
6:00 am	2	2		1						5	10
:15	2	1								3	6
:30	3	3								5	11
:45	3	3		1						5	12
7:00	4	5	1	1						6	17
:15	4	4				1				6	15
:30	5	5	1		1					5	13
:45	5	4	1			1				8	19
8:00	6	4	1							6	17
:15	5	4		1						6	16
:30	5	4	1	3		1				4	18
:45	4	3								6	13
9:00	4	2	1							1	11
:15	5	3								5	13
Totals	57	47	6	7	1	4				7	195
9:30 am	3	2	1							4	10
:45	4	2	-							4	10
10:00	3	2	1	1						4	11
:15	4	2	-							5	11
:30	3	2	1							4	10
:45	3	2	-							4	9
11:00	3	1	1	1						4	10
:15	3	2	-							5	10
:30	3	1	1							4	9
:45	2	2	-							4	8
12:00 pm	3	1	1	1						4	10
:15	3	2	-							5	10
:30	3	1	1							4	9
:45	2	2	-							4	8
1:00	3	1	1	1						4	10
:15	3	2	-							5	10
:30	3	1	1							4	9
:45	4	2	-							4	10
2:00	3	1	1							4	9
:15	3	4	-	1						5	13
:30	3	2	1							4	10
:45	4	5	-							4	13
Totals	60	42	11	5						93	219

Max. Pt.

Route No.	L2,4	D2,4	J-5	T2&Q3	O-5	T7&9	L-1	L-3	L9&Q5	W.V.&M.	All Rts
From	13th	11th	13th	13th	11th	13th	13th	13th	13th	11th	13th
to	18th	18th	18th	18th	18th	18th	Conn.	Conn.	Conn.	18th	Conn.
Period											
Beginning											
3:00 pm	4	2	1							5	12
:15	4	4	-	1						5	14
:30	3	3	1							5	12
:45	5	2	-							4	11
4:00	4	3	1					1		7	15
:15	3	3	-	1		1		1		9	18
:30	5	4	1			-	1	3	1	11	26
:45	7	2	-		1	2	-	4	1	12	29
5:00	6	5	2			2	1	5	1	23	45
:15	7	4	1	1	1	2	2	5	1	12	36
:30	5	4	1			2	1	4	2	14	33
:45	6	3	-			2	1	4	1	8	25
6:00	6	3	1	1	1	1	-	3	1	7	24
:15	5	3	-			-	1	1		9	20
:30	3	2	1			2		1		4	13
:45	5	2	-							3	10
Totals	78	49	10	4	3	14	7	31	9	138	343
7:00	3	1	1							3	8
:15	2	1	-							4	7
:30	2	1	1							2	6
:45	2	1	-							3	6
8:00	3	1	1							2	7
:15	2	1	-							3	6
:30	1	1	1							3	6
:45	3	1	-							2	6
9:00	2	1	1							2	6
:15	2	1	-	1						3	7
:30	1	-	1							2	4
:45	2	1	-							2	5
10:00	1	1	1							2	5
:15	2	1	-							2	5
:30	1	-	1							2	4
:45	2	1	-							1	4
11:00	1	1	1							2	5
:15	2	-	-							2	5
:30	1	1	1							1	4
:45	2	1	-								
Totals	37	17	10	1						45	110
6:00 am to											
Midnight											
Totals	240	155	37	17	4	18	7	31	9	350	888

## SUMMARY OF TIMES AND SPEEDS

ON H STREET, EYE STREET, AND K STREET, N.W.  
AFTER CHANGES FOR ONE-WAY STREETS AND BUS LANES ON H AND EYE STREETS  
AND THE USE OF THE NORTH SERVICE ROADWAY OF K STREET.

[illegible]

**Traffic Research Division**

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
6TH & F STS, N.W.  
WEEKDAY  
WESTBOUND ARRIVE  
JULY 20, 1964

Exhibit 61

Page 1 of 2

TIME PERIOD BEGIN	MT. PLEASANT LINE, ROUTES 40,42			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
6:00 A.M.	59	148	2	89
:15	150	296	4	146
:30	85	222	3	137
:45	275	512	7	237
7:00	247	515	7	269
:15	273	432	6	159
:30	298	438	6	140
:45	363	509	7	146
8:00	238	364	5	126
:15	410	580	8	170
:30	323	501	7	178
:45	217	370	5	153
9:00	151	293	4	142
:15	149	222	3	73
TOTALS	3,238	5,402	74	2,164
9:30 A.M.	151	212	4	61
:45	127	210	4	83
10:00	119	212	4	93
:15	156	212	4	56
:30	119	159	3	40
:45	96	212	4	116
11:00	131	212	4	81
:15	86	159	3	73
:30	127	210	4	83
:45	158	212	4	54
12:00 P.M.	130	212	4	82
:15	114	212	4	98
:30	116	212	4	96
:45	75	159	3	84
1:00	116	212	4	96
:15	100	212	4	112
:30	97	159	3	62
:45	107	265	5	158
2:00	68	159	3	91
:15	71	159	3	88
:30	131	316	6	135
:45	94	157	3	63
TOTALS	2,489	4,444	84	1,955



TIME PERIOD BEGIN	MT. PLEASANT LINE, ROUTES 40,42			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
3:00 P.M.	112	370	5	258
:15	47	222	3	175
:30	145	367	5	222
:45	74	293	4	219
4:00	113	293	4	180
:15	232	512	7	280
:30	181	361	5	180
:45	243	512	7	269
5:00	312	435	6	123
:15	203	370	5	167
:30	274	364	5	90
:45	69	290	4	221
6:00	46	222	3	176
:15	85	293	4	208
:30	40	148	2	108
:45	30	148	2	118
TOTALS	2,206	5,200	69	2,994
7:00 P.M.	19	104	2	85
:15	31	106	2	75
:30	14	53	1	39
:45	38	106	2	68
8:00	12	53	1	41
:15	21	53	1	32
:30	36	106	2	70
:45	17	53	1	36
9:00	10	53	1	43
:15	25	53	1	28
:30	13	53	1	40
:45	30	106	2	76
10:00	17	53	1	36
:15	13	53	1	40
:30	15	53	1	38
:45	17	106	2	89
11:00	13	53	1	40
:15	16	53	1	37
:30	13	53	1	40
:45	18	106	2	88
TOTALS	388	1,429	27	1,041
All Day TOTALS	8,321	16,475	254	8,154

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
6TH & F STS, N.W.  
WEEKDAY  
EASTBOUND LEAVE  
JULY 20, 1934

Exhibit 62

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<u>TIME PERIOD BEGIN</u>	<u>MT. PLEASANT LINE, ROUTES 40, 42</u>	<u>PASSENGERS</u>	<u>VALUE</u>	<u>VEHICLES</u>	<u>EXCESS OR SHORT OF VALUE</u>
6:00 A.M.		7	74	1	67
:15		7	74	1	67
:30		29	222	3	193
:45		28	148	2	120
7:00		50	222	3	172
:15		79	222	3	143
:30		94	222	3	128
:45		141	293	4	152
8:00		221	367	5	146
:15		144	293	4	149
:30		115	216	3	101
:45		211	512	7	301
9:00		89	438	6	349
:15		67	438	6	371
<b>TOTALS</b>		<b>1,282</b>	<b>3,741</b>	<b>51</b>	<b>2,459</b>
9:30 A.M.		49	212	4	163
:45		73	159	3	86
10:00		48	159	3	111
:15		87	212	4	125
:30		74	159	3	85
:45		105	212	4	107
11:00		80	210	4	130
:15		128	212	4	84
:30		79	212	4	133
:45		26	106	2	80
12:00 P.M.		99	212	4	113
:15		157	265	5	108
:30		95	212	4	117
:45		73	106	2	33
1:00		117	212	4	95
:15		86	159	3	73
:30		142	265	5	123
:45		122	159	3	37
2:00		101	265	5	164
:15		91	159	3	63
:30		69	159	3	90
:45		68	106	2	38
<b>TOTALS</b>		<b>1,969</b>	<b>4,132</b>	<b>78</b>	<b>2,163</b>

TIME PERIOD BEGIN	MT. PLEASANT LINE. ROUTES 40,42			EXCESS OR SHORT OF VALUE
	PASSENGERS	FARE	VEHICLES	
3:00 P.M.	182	370	5	188
:15	100	296	4	196
:30	163	367	5	199
:45	186	296	4	110
4:00	117	290	4	173
:15	229	296	4	67
:30	360	586	8	197
:45	267	438	6	171
5:00	269	361	5	92
:15	349	438	6	89
:30	356	583	8	227
:45	242	432	6	190
6:00	182	216	3	24
:15	389	657	9	268
:30	158	296	4	138
:45	132	296	4	164
TOTALS	3,715	6,218	85	2,503
7:00 P.M.	73	157	3	84
:15	127	212	4	85
:30	79	106	2	27
:45	65	106	2	41
8:00	122	157	3	35
:15	50	53	1	3
:30	75	106	2	31
:45	21	53	1	32
9:00	45	53	1	6
:15	92	106	2	1
:30	44	53	1	9
:45	43	53	1	5
10:00	47	106	2	59
:15	29	53	1	24
:30	45	106	2	61
:45	15	53	1	38
11:00	24	53	1	29
:15	26	53	1	27
:30	15	53	1	38
:45	37	106	2	69
TOTALS	1,079	1,793	34	719
All Day TOTALS	8,045	15,889	248	7,844

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
7TH & E STS. N.W.

Exhibit 63

WEEKDAY  
WESTBOUND ARRIVE  
AUGUST 24, 1964

Page 1 of 2

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTE D2,4			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
6:00 A.M.	44	74	1	30
:15	151	222	3	71
:30	124	200	3	76
:45	175	359	5	184
7:00	177	274	4	97
:15	175	326	5	151
:30	199	463	7	264
:45	154	274	4	120
8:00	151	211	3	60
:15	189	285	4	96
:30	128	211	3	83
:45	69	148	2	79
9:00	30	74	1	44
:15	185	296	4	111
TOTALS	1,951	3,427	49	1,466
:30	44	53	1	9
:45	105	211	3	106
10:00	33	53	1	20
:15	55	106	2	51
:30	87	106	2	19
:45	83	106	2	23
11:00	83	106	2	23
:15	27	53	1	26
:30	56	106	2	50
:45	26	53	1	27
12:00 P.M.	63	106	2	43
:15	34	53	1	19
:30	43	106	2	63
:45	54	53	1	(1)
1:00	18	53	1	35
:15	48	106	2	58
:30	34	53	1	19
:45	49	106	2	57
2:00	52	212	4	160
:15	21	53	1	32
:30	50	196	4	146
:45	39	135	3	96
TOTALS	1,104	2,185	41	1,081

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTES D2,4			
	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
3:00	52	274	4	222
:15	46	222	3	176
:30	85	211	3	126
:45	37	137	2	100
4:00	63	211	3	148
:15	54	348	5	294
:30	57	211	3	154
:45	94	400	6	306
5:00	54	200	3	146
:15	117	337	5	220
:30	76	148	2	72
:45	70	211	3	141
6:00	42	200	3	158
:15	24	148	2	124
:30	10	74	1	64
:45	11	148	1	137
TOTALS	892	3,480	49	2,588
7:00	14	53	1	39
:15	10	53	1	43
:30	1	53	1	52
:45	18	53	1	35
8:00	16	53	1	37
:15	14	53	1	39
:30	4	53	1	49
:45	6	53	1	47
9:00	-	-	-	-
:15	9	53	1	44
:30	10	53	1	43
:45	6	53	1	47
10:00	-	-	-	-
:15	14	53	1	39
:30	20	53	1	33
:45	6	53	1	47
11:00	-	-	-	-
:15	4	53	1	49
:30	7	53	1	46
:45	-	-	-	-
TOTALS	159	848	16	689
All Day TOTALS	4,106	9,930	155	5,825



D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
7TH & E STS. N.W.

Exhibit 64

WEEKDAY  
EASTBOUND LEAVE  
AUGUST 24, 1964

Page 1 of 2

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTES D2,4 PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 P.M.	13	74	1	61
:15	16	137	2	121
:30	12	74	1	62
:45	10	74	1	64
7:00	30	148	2	118
:15	13	74	1	61
:30	42	148	2	106
:45	20	63	1	43
8:00	91	296	4	205
:15	45	200	3	155
:30	89	622	9	533
:45	73	337	5	264
9:00	33	389	6	356
:15	28	274	4	246
TOTALS	515	2,910	42	2,395
:30	18	249	5	231
:45	36	151	3	115
10:00	24	151	3	127
:15	13	106	2	93
:30	44	159	3	115
:45	29	53	1	24
11:00	58	151	3	93
:15	56	106	2	50
:30	44	106	2	62
:45	11	53	1	42
12:00 P.M.	68	106	2	38
:15	34	106	2	72
:30	25	53	1	28
:45	50	106	2	56
1:00	37	53	1	16
:15	51	106	2	55
:30	22	53	1	31
:45	58	106	2	48
2:00	49	53	1	4
:15	74	106	2	32
:30	13	53	1	40
:45	95	106	2	11
TOTALS	909	2,292	44	1,383

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTES D2,4			
	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
3:00	28	74	1	46
:15	59	148	2	89
:30	106	222	3	116
:45	123	200	3	77
4:00	77	134	2	57
:15	178	274	4	96
:30	136	285	4	149
:45	124	148	2	24
5:00	119	211	3	92
:15	177	274	4	97
:30	235	411	6	176
:45	136	337	5	201
6:00	224	348	5	124
:15	73	200	3	127
:30	133	285	4	152
:45	36	137	2	101
TOTALS	1,964	3,688	53	1,724
7:00	59	159	3	100
:15	24	159	3	135
:30	41	106	2	65
:45	33	53	1	20
8:00	39	106	2	67
:15	23	53	1	30
:30	35	53	1	18
:45	22	53	1	31
9:00	27	53	1	26
:15	19	53	1	34
:30	22	53	1	31
:45	32	106	2	74
10:00	-	-	-	-
:15	25	53	1	28
:30	25	53	1	28
:45	20	53	1	33
11:00	-	-	-	-
:15	15	53	1	38
:30	11	53	1	42
:45	17	53	1	36
TOTALS	489	1,325	25	836
All Day TOTALS	3,877	10,215	164	6,338

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
14TH & D STREETS, N.W.

WEEKDAY  
NORTHBOUND LEAVE  
JUNE 29, 1964

Exhibit 65

TIME PERIOD BEGIN	MT. PLEASANT LINE, ROUTE 45 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.	-	-	-	-
:15	-	-	-	-
:30	140	148	2	8
:45	9	74	1	65
4:00	-	-	-	-
:15	-	-	-	-
:30	-	-	-	-
:45	13	71	1	58
5:00	35	71	1	36
:15	32	71	1	39
:30	-	-	-	-
:45	96	219	3	123
6:00	-	-	-	-
:15	-	-	-	-
:30	-	-	-	-
:45	-	-	-	-
TOTALS	325	654	9	329

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
14TH & D STREETS, N.W.

WEEKDAY  
SOUTHBOUND ARRIVE  
JUNE 29, 1964

Exhibit 66

TIME PERIOD BEGIN	MT. PLEASANT LINE, ROUTE 45 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	-	-	-	-
:15	-	-	-	-
:30	-	-	-	-
:45	-	-	-	-
7:00	-	-	-	-
:15	34	71	1	37
:30	22	74	1	52
:45	61	74	1	13
8:00	22	74	1	52
:15	150	216	3	66
:30	89	145	2	56
:45	145	339	5	194
9:00	-	-	-	-
:15	-	-	-	-
TOTALS	523	993	14	470

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
14TH & D STREETS, N.W.

WEEKDAY  
NORTHBOUND LEAVE  
JUNE 29, 1964

Exhibit 67

Page 1 of 2

TIME PERIOD BEGIN	FOURTEENTH STREET, ROUTE 50			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUES	VEHICLES	
6:00 A.M.	5	145	2	140
:15	6	74	1	68
:30	20	148	2	128
:45	3	71	1	68
7:00	31	216	3	185
:15	51	213	3	162
:30	89	287	4	198
:45	16	74	1	58
8:00	61	134	2	73
:15	89	350	5	261
:30	77	279	4	202
:45	49	137	2	88
9:00	54	219	3	165
:15	25	145	2	120
TOTALS	576	2,492	35	1,916
9:30 A.M.	20	102	2	82
:45	7	53	1	46
10:00	18	106	2	88
:15	18	104	2	86
:30	14	51	1	37
:45	23	106	2	83
11:00	14	102	2	88
:15	26	51	1	25
:30	44	106	2	62
:45	17	53	1	36
12:00 P.M.	59	106	2	47
:15	16	53	1	37
:30	47	102	2	55
:45	37	106	2	69
1:00	17	53	1	36
:15	45	106	2	61
:30	15	53	1	38
:45	14	102	2	88
2:00	13	53	1	40
:15	25	106	2	81
:30	35	53	1	18
:45	32	53	1	21
TOTALS	556	1,780	34	1,224

TIME PERIOD BEGIN	FOURTEENTH STREET, ROUTE 50			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUES	VEHICLES	
3:00 P.M.	73	216	3	143
:15	63	216	3	153
:30	204	293	4	89
:45	118	282	4	164
4:00	97	145	2	48
:15	147	358	5	211
:30	210	287	4	77
:45	348	556	8	208
5:00	295	279	4	(16)
:15	249	337	5	88
:30	353	350	5	(3)
:45	152	350	5	198
6:00	181	216	3	35
:15	91	216	3	125
:30	23	148	2	125
:45	7	71	1	64
TOTALS	2,611	4,320	61	1,709
7:00 P.M.	20	104	2	84
:15	27	53	1	26
:30	8	51	1	43
:45	7	53	1	46
8:00	58	104	2	46
:15	21	53	1	32
:30	21	106	2	85
:45	4	53	1	49
9:00	10	53	1	43
:15	9	53	1	44
:30	10	53	1	43
:45	21	53	1	32
10:00	26	53	1	27
:15	15	53	1	38
:30	3	53	1	50
:45	-	-	-	-
11:00	6	53	1	47
:15	20	53	1	33
:30	31	53	1	22
:45	11	53	1	42
TOTALS	328	1,160	22	832
All Day TOTALS	4,071	9,752	152	5,681



D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING  
AT 14TH & D STREETS, N.W.

Exhibit 68

WEEKDAY  
SOUTHBOUND ARRIVE

JUNE 29, 1964

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## FOURTEENTH ST. RT. 50

PERIOD BEGINNING	PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	18	74	1	56
:15	73	148	2	75
:30	16	71	1	55
:45	147	287	4	140
7:00	168	216	3	48
:15	137	287	4	150
:30	146	361	5	215
:45	142	284	4	142
8:00	209	358	5	149
:15	228	429	6	201
:30	176	287	4	111
:45	244	421	5	177
9:00	73	219	3	146
:15	21	71	1	50
TOTALS	1,798	3,513	48	1,715
9:30 A.M.	38	104	2	66
:45	18	106	2	88
10:00	52	157	3	105
:15	21	51	1	30
:30	34	106	2	72
:45	31	102	2	71
11:00	10	51	1	41
:15	22	106	2	84
:30	10	53	1	43
:45	40	106	2	66
12:00 P.M.	15	53	1	38
:15	57	102	2	45
:30	51	106	2	55
:45	40	53	1	13
1:00	33	53	1	20
:15	72	106	2	34
:30	41	102	2	61
:45	36	53	1	17
2:00	23	53	1	30
:15	50	106	2	56
:30	18	53	1	35
:45	53	104	2	51
TOTALS	765	1,886	36	1,121

FOURTEENTH ST. RT. 50				
PERIOD BEGINNING	PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.	59	145	2	86
:15	22	74	1	52
:30	49	148	2	99
:45	16	74	1	58
4:00	42	216	3	174
:15	52	145	2	93
:30	18	74	1	56
:45	66	211	3	145
5:00	20	74	1	54
:15	79	219	3	140
:30	-	-	-	-
:45	81	145	2	64
6:00	23	145	2	122
:15	28	145	2	117
:30	24	145	2	121
:45	21	145	2	124
TOTALS	600	2,105	29	1,505
7:00	12	104	2	92
:15	14	53	1	39
:30	10	53	1	43
:45	15	51	1	36
8:00	5	53	1	48
:15	10	53	1	43
:30	9	106	2	97
:45	-	-	-	-
9:00	11	53	1	42
:15	6	53	1	47
:30	11	106	2	95
:45	9	53	1	44
10:00	8	53	1	45
:15	-	-	-	-
:30	8	53	1	45
:45	5	53	1	48
11:00	6	53	1	47
:15	5	53	1	48
:30	4	53	1	49
:45	3	53	1	50
TOTALS	151	1,109	21	958
All Day TOTALS	3,314	8,613	134	5,299

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
14TH & L STREETS, N.W.

WEEKDAY  
SOUTHBOUND ARRIVE  
JUNE 29, 1964

Exhibit 69

Page 1 of 2

TIME PERIOD BEGIN	FOURTEENTH STREET, ROUTES 50,54 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	182	222	3	40
:15	203	290	4	87
:30	187	219	3	32
:45	204	358	5	154
7:00	370	506	7	136
:15	394	506	7	112
:30	340	493	7	153
:45	451	572	8	121
8:00	332	492	7	160
:15	406	561	8	155
:30	494	547	8	53
:45	321	424	6	103
9:00	169	216	3	47
:15	246	364	5	118
TOTALS	4,299	5,770	81	1,471
9:30 A.M.	93	157	3	64
:45	203	210	4	7
10:00	120	159	3	39
:15	228	257	5	29
:30	132	155	3	23
:45	202	208	4	6
11:00	101	106	2	5
:15	168	210	4	42
:30	123	157	3	34
:45	99	159	3	60
12:00 P.M.	68	102	2	34
:15	103	153	3	50
:30	150	212	4	62
:45	139	159	3	20
1:00	69	104	2	35
:15	148	157	3	9
:30	97	155	3	58
:45	190	210	4	20
2:00	143	155	3	12
:15	111	159	3	48
:30	128	159	3	31
:45	108	153	3	45
TOTALS	2,923	3,656	70	733

TIME PERIOD BEGIN	FOURTEENTH STREET, ROUTES 50,54 PASSENGERS	VALUES	VEHICLES	EXCESS OF SHORT OF VALUE
3:00 P.M.	97	219	3	122
:15	105	222	3	117
:30	70	148	2	78
:45	177	432	6	255
4:00	85	142	2	57
:15	233	438	6	205
:30	182	293	4	111
:45	174	353	5	179
5:00	134	287	4	153
:15	112	290	4	178
:30	178	287	4	109
:45	87	219	3	132
6:00	108	287	4	179
:15	78	222	3	144
:30	110	287	4	177
:45	58	222	3	164
TOTALS	1,988	4,348	60	2,360
7:00 P.M.	50	155	3	105
:15	45	106	2	61
:30	41	106	2	65
:45	52	155	3	103
8:00	37	106	2	69
:15	39	106	2	67
:30	29	106	2	77
:45	37	106	2	69
9:00	41	159	3	118
:15	17	53	1	36
:30	41	159	3	118
:45	9	53	1	44
10:00	28	106	2	78
:15	45	106	2	61
:30	37	106	2	69
:45	31	106	2	75
11:00	20	53	1	33
:15	29	106	2	77
:30	23	106	2	83
:45	12	53	1	41
TOTALS	663	2,112	40	1,449
11 Day TOTALS	9,873	15,886	251	6,013

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
14TH & THOMAS CIRCLE, N.W.

Exhibit 70

WEEKDAY  
NORTHBOUND LEAVE  
AUGUST 26, 1964

Page 1 of 2

TIME PERIOD BEGIN	FOURTEENTH STREET, ROUTES 50-54 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	21	222	3	201
:15	26	219	3	193
:30	45	222	3	177
:45	42	219	3	177
7:00	89	432	6	343
:15	90	353	5	263
:30	118	432	6	314
:45	66	293	4	227
8:00	81	353	5	272
:15	90	430	6	340
:30	78	419	6	341
:45	68	509	7	441
9:00	69	290	4	221
:15	70	287	4	217
TOTALS	953	4,680	65	3,727
9:30 A.M.	65	208	4	143
:45	73	210	4	137
10:00	58	208	4	150
:15	63	157	3	94
:30	63	155	3	92
:45	68	159	3	91
11:00	78	157	3	79
:15	78	206	4	128
:30	84	157	3	73
:45	71	157	3	86
12:00 P.M.	103	155	3	52
:15	109	157	3	48
:30	88	155	3	67
:45	66	159	3	93
1:00	91	155	3	64
:15	95	155	3	60
:30	78	159	3	81
:45	77	153	3	76
2:00	58	104	2	46
:15	148	210	4	62
:30	76	104	2	28
:45	131	157	3	26
TOTALS	1,821	3,597	69	1,776



TIME PERIOD BEGIN	FOURTEENTH STREET, ROUTES 50,54			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUES	VEHICLES	
3:00 P.M.	224	287	4	63
:15	223	361	5	138
:30	187	290	4	103
:45	377	577	8	200
4:00	232	290	4	58
:15	311	358	5	47
:30	415	492	7	77
:45	458	558	8	100
5:00	376	471	7	95
:15	686	777	11	91
:30	456	555	8	99
:45	352	550	8	198
6:00	362	495	7	133
:15	230	345	5	115
:30	187	290	4	103
:45	179	287	4	108
TOTALS	5,255	6,983	99	1,728
7:00 P.M.	111	159	3	48
:15	62	106	2	44
:30	100	155	3	55
:45	106	157	3	51
8:00	50	106	2	56
:15	128	157	3	29
:30	65	106	2	41
:45	106	157	3	51
9:00	42	106	2	64
:15	51	104	2	53
:30	49	106	2	57
:45	56	106	2	50
10:00	83	106	2	23
:15	64	106	2	42
:30	50	106	2	56
:45	51	106	2	55
11:00	81	106	2	25
:15	51	53	1	2
:30	99	106	2	7
:45	60	106	2	46
TOTALS	1,465	2,320	44	855
All Day TOTALS	9,494	17,580	277	8,086

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
16TH & P STREETS, N.W.

Exhibit 71

WEEKDAY  
NORTHBOUND ARRIVE  
JULY 29, 1964

Page 1 of 2

TIME PERIOD BEGIN	SIXTEENTH STREET, ROUTES S2,5,6 LOCAL			
	PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	18	71	1	53
:15	15	137	2	122
:30	32	145	2	113
:45	28	148	2	120
7:00	65	211	3	146
:15	45	148	2	103
:30	63	271	4	208
:45	59	211	3	152
8:00	28	134	2	106
:15	77	285	4	208
:30	62	285	4	223
:45	44	222	3	178
9:00	26	137	2	111
:15	32	208	3	176
TOTALS	594	2,613	37	2,019
9:30 A.M.	34	157	3	123
:45	37	106	2	69
10:00	20	53	1	33
:15	55	159	3	104
:30	50	106	2	56
:45	38	104	2	66
11:00	16	53	1	37
:15	62	104	2	42
:30	58	106	2	48
:45	49	106	2	57
12:00 P.M.	61	106	2	45
:15	60	106	2	46
:30	33	102	2	69
:45	72	106	2	34
1:00	57	102	2	45
:15	60	106	2	46
:30	37	53	1	16
:45	37	106	2	69
2:00	78	157	3	79
:15	51	53	1	2
:30	94	149	3	55
:45	70	149	3	79
TOTALS	1,129	2,349	45	1,220

TIME PERIOD BEGIN	SIXTEENTH STREET, ROUTES S2,5,6, LOCAL			
	PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OR VALUE
3:00 P.M.	119	211	3	92
:15	147	222	3	75
:30	117	222	3	105
:45	161	208	3	47
4:00	138	208	3	70
:15	242	268	4	26
:30	212	317	5	105
:45	184	274	4	90
5:00	279	274	4	(5)
:15	491	534	8	43
:30	414	534	8	120
:45	341	400	6	59
6:00	405	490	7	85
:15	243	400	6	157
:30	143	274	4	131
:45	177	211	3	34
TOTALS	3,813	5,047	74	1,234
7:00 P.M.	75	106	2	31
:15	89	157	3	68
:30	80	104	2	24
:45	66	106	2	40
8:00	82	106	2	24
:15	65	106	2	41
:30	69	106	2	37
:45	35	53	1	18
9:00	82	106	2	24
:15	38	53	1	15
:30	37	53	1	16
:45	55	53	1	(2)
10:00	25	53	1	28
:15	36	53	1	17
:30	-	53	1	53
:45	83	106	2	23
11:00	-	-	-	-
:15	48	53	1	5
:30	42	53	1	11
:45	-	-	-	-
TOTALS	1,007	1,480	28	473
All Day TOTALS	6,543	11,489	184	4,946

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
16TH & P STREETS, N.W.

WEEKDAY  
SOUTHBOUND LEAVE  
JULY 29, 1964

Exhibit 72

Page 1 of 2

TIME PERIOD BEGIN	SIXTEENTH STREET, ROUTES S2,5,6, LOCAL	PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.		39	74	1	35
:15		78	148	2	70
:30		67	74	1	7
:45		126	148	2	22
7:00		250	334	5	84
:15		271	337	5	66
:30		339	405	6	66
:45		541	600	9	59
8:00		583	726	11	143
:15		526	600	9	74
:30		565	641	10	76
:45		352	460	7	108
9:00		210	274	4	64
:15		126	271	4	145
TOTALS		4,073	5,092	76	1,019
9:30 A.M.		127	151	3	24
:45		194	212	4	18
10:00		113	106	2	(7)
:15		117	157	3	40
:30		83	98	2	15
:45		102	104	2	2
11:00		127	159	3	32
:15		88	106	2	18
:30		85	106	2	21
:45		88	106	2	18
12:00 P.M.		89	104	2	15
:15		58	53	1	(5)
:30		77	102	2	25
:45		78	106	2	28
1:00		81	106	2	25
:15		21	53	1	32
:30		148	157	3	9
:45		18	53	1	35
2:00		64	155	3	91
:15		65	106	2	41
:30		37	53	1	16
:45		67	106	2	39
TOTALS		1,927	2,459	47	532

TIME PERIOD BEGIN	SIXTEENTH STREET, ROUTES S2,5,6, LOCAL	PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.		80	293	4	213
:15		34	74	1	40
:30		70	145	2	75
:45		71	134	2	63
4:00		76	285	4	209
:15		68	148	2	80
:30		102	211	3	109
:45		153	348	5	195
5:00		78	137	2	59
:15		68	137	2	69
:30		128	342	5	214
:45		70	274	4	204
6:00		80	200	3	120
:15		29	211	3	182
:30		73	222	3	149
:45		52	219	3	167
TOTALS		1,232	3,380	48	2,148
7:00 P.M.		38	104	2	66
:15		31	159	3	128
:30		19	53	1	34
:45		32	106	2	74
8:00		54	106	2	52
:15		11	53	1	42
:30		23	106	2	83
:45		10	53	1	43
9:00		11	53	1	42
:15		15	53	1	38
:30		23	53	1	30
:45		8	53	1	45
10:00		15	53	1	38
:15		16	53	1	37
:30		12	53	1	41
:45		17	53	1	36
11:00		58	159	3	101
:15		19	106	2	87
:30		15	53	1	38
:45		5	53	1	48
TOTALS		432	1,535	29	1,103
All Day TOTALS		7,664	12,466	200	4,802



D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READINGS AT  
17TH & K STS. N.W.  
WEEKDAY  
EASTBOUND ARRIVE  
JULY 21, 1964

Exhibit 73

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TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTE D2,4			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
6:00 A.M.	17	148	2	131
:15	16	74	1	58
:30	28	74	1	46
:45	20	74	1	54
7:00	59	148	2	89
:15	68	148	2	80
:30	128	211	3	83
:45	116	137	2	21
8:00	173	348	5	175
:15	186	474	7	288
:30	142	315	5	173
:45	121	422	6	301
9:00	68	263	4	195
:15	60	274	4	214
TOTALS	1,202	3,110	45	1,908
9:30 A.M.	38	151	3	113
:45	65	196	4	131
10:00	32	98	2	66
:15	84	265	5	181
:30	34	53	1	19
:45	40	159	3	119
11:00	37	106	2	69
:15	29	98	2	69
:30	40	106	2	66
:45	20	53	1	33
12:00 P.M.	19	53	1	34
:15	55	106	2	51
:30	32	106	2	74
:45	29	53	1	24
1:00	61	106	2	45
:15	14	53	1	39
:30	35	53	2	18
:45	48	106	2	58
2:00	53	106	2	53
:15	17	53	1	36
:30	52	106	2	54
:45	26	53	1	27
TOTALS	860	2,239	44	1,379

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTE D2,4				EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES		
3:00 P.M.	19	74	1		55
:15	61	148	2		87
:30	28	74	1		46
:45	126	263	4		137
4:00	116	200	3		84
:15	138	222	3		84
:30	96	137	2		41
:45	196	474	7		278
5:00	132	200	3		68
:15	51	137	2		86
:30	199	348	5		149
:45	91	222	3		131
6:00	88	263	4		175
:15	77	326	5		249
:30	42	200	3		158
:45	41	211	3		170
TOTALS	1,501	3,499	51		1,998
7:00 P.M.	50	212	4		162
:15	30	98	2		68
:30	17	53	1		36
:45	53	106	2		53
8:00	20	53	1		33
:15	25	53	1		28
:30	20	53	1		33
:45	33	53	1		20
9:00	4	53	1		49
:15	24	53	1		29
:30	22	106	2		84
:45	-	-	-		-
10:00	18	53	1		35
:15	11	53	1		42
:30	-	-	-		-
:45	15	53	1		38
11:00	8	53	1		45
:15	-	-	-		-
:30	30	53	1		23
:45	7	53	1		46
TOTALS	387	1,211	23		824
All Day TOTALS	3,950	10,059	163		6,109

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
17TH & K STS. N.W.  
WEEKDAY  
EASTBOUND ARRIVE  
JULY 21, 1964

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TIME PERIOD BEGIN	CONNECTICUT AVENUE LINE, ROUTES 12,4			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
6:00 A.M.	12	74	1	62
:15	46	148	2	102
:30	68	148	2	80
:45	54	148	2	94
7:00	160	296	4	136
:15	133	282	4	149
:30	115	290	4	175
:45	119	279	4	160
8:00	280	537	8	257
:15	163	337	5	174
:30	126	405	5	279
:45	139	542	8	403
9:00	97	353	5	256
:15	104	345	5	241
TOTALS	1,616	4,184	59	2,568
9:30 A.M.	78	210	4	132
:45	98	160	4	62
10:00	82	261	5	179
:15	78	106	2	28
:30	77	102	2	25
:45	146	212	4	66
11:00	69	159	3	90
:15	105	210	4	105
:30	50	149	3	99
:45	64	159	3	95
12:00 P.M.	57	104	2	47
:15	91	159	3	68
:30	18	53	1	35
:45	71	106	2	35
1:00	46	106	2	60
:15	39	106	2	67
:30	99	159	3	60
:45	58	106	2	48
2:00	41	53	1	12
:15	35	106	2	71
:30	71	159	3	88
:45	45	106	2	61
TOTALS	1,518	3,051	59	1,533

TIME PERIOD BEGIN	<u>CONNECTICUT AVENUE LINE, ROUTES 12,4</u>			<u>EXCESS OR SHORT OF VALUE</u>
	<u>PASSENGERS</u>	<u>VALUE</u>	<u>VEHICLES</u>	
3:00 P.M.	67	148	2	81
:15	41	148	2	107
:30	164	441	6	277
:45	76	361	5	285
4:00	93	216	3	123
:15	82	370	5	288
:30	119	282	4	163
:45	207	501	7	294
5:00	200	427	6	227
:15	195	504	7	309
:30	184	495	7	311
:45	68	296	4	228
6:00	72	219	3	147
:15	83	515	7	432
:30	45	216	3	171
:45	71	271	4	200
TOTALS	1,767	5,410	75	3,643
7:00 P.M.	55	212	4	157
:15	12	53	1	41
:30	59	253	5	194
:45	14	98	2	84
8:00	44	202	4	158
:15	18	106	2	88
:30	38	53	1	15
:45	23	106	2	83
9:00	25	106	2	81
:15	19	104	2	85
:30	36	106	2	70
:45	9	53	1	44
10:00	47	106	2	59
:15	-	-	-	-
:30	57	159	3	102
:45	10	53	1	43
11:00	8	53	1	45
:15	14	106	2	92
:30	9	106	2	97
:45	7	53	1	46
TOTALS	504	2,088	40	1,584
All Day TOTALS	5,405	14,733	233	9,328

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
CONNECTICUT AVE. AND K STS. N.W.

WEEKDAY  
WESTBOUND LEAVE  
JULY 21, 1964

Exhibit 75

Page 1 of 2

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTE D2,4			
	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	5	74	1	69
:15	125	211	3	86
:30	70	148	2	78
:45	137	200	3	63
7:00	131	348	5	217
:15	90	211	3	121
:30	80	189	3	109
:45	240	485	7	245
8:00	157	337	5	180
:15	134	211	3	77
:30	161	263	4	102
:45	120	274	4	154
9:00	41	74	1	33
:15	116	296	4	180
TOTALS	1,607	3,321	48	1,714
9:30 A.M.	49	106	2	57
:45	53	53	1	-
10:00	54	159	3	105
:15	32	98	2	66
:30	42	106	2	64
:45	43	106	2	63
11:00	26	53	1	27
:15	37	106	2	69
:30	33	53	1	20
:45	46	53	1	7
12:00 P.M.	43	106	2	63
:15	34	106	2	72
:30	21	53	1	32
:45	45	53	1	8
1:00	54	106	2	52
:15	51	106	2	55
:30	62	106	2	44
:45	44	106	2	62
2:00	48	53	1	5
:15	54	204	4	150
:30	40	106	2	66
:45	45	188	4	143
TOTALS	956	2,186	42	1,230



GLOVER PARK-TRINIDAD LINE, ROUTE D2,4				
TIME PERIOD BEGIN	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.	39	137	2	98
:15	85	348	5	263
:30	67	148	2	81
:45	56	137	2	81
4:00	81	285	4	204
:15	54	137	2	83
:30	121	211	3	90
:45	111	211	3	100
5:00	186	252	4	66
:15	175	274	4	99
:30	197	211	3	14
:45	77	211	3	134
6:00	215	285	4	70
:15	88	137	2	49
:30	81	211	3	130
:45	21	74	1	53
TOTALS	1,654	3,269	47	1,615
7:00 P.M.	28	106	2	78
:15	7	53	1	46
:30	16	53	1	37
:45	13	53	1	40
8:00	36	106	2	70
:15	24	53	1	29
:30	8	53	1	45
:45	12	53	1	41
9:00	8	53	1	45
:15	8	53	1	45
:30	-	-	-	-
:45	13	53	1	40
10:00	11	53	1	42
:15	-	-	-	-
:30	30	53	1	23
:45	2	53	1	51
11:00	7	53	1	46
:15	-	-	-	-
:30	2	53	1	51
:45	13	53	1	40
TOTALS	238	1,007	19	769
All Day TOTALS	4,455	9,783	156	5,328

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
CONNECTICUT AVE. AND K STS. N.W.

WEEKDAY  
WESTBOUND LEAVE  
JULY 21, 1964

Exhibit 75

Page 1 of 2

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTE D2,4			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
6:00 A.M.	5	74	1	69
:15	125	211	3	86
:30	70	148	2	78
:45	137	200	3	63
7:00	131	348	5	217
:15	90	211	3	121
:30	80	189	3	109
:45	240	485	7	245
8:00	157	337	5	180
:15	134	211	3	77
:30	161	263	4	102
:45	120	274	4	154
9:00	41	74	1	33
:15	116	296	4	180
TOTALS	1,607	3,321	48	1,714
9:30 A.M.	49	106	2	57
:45	53	53	1	-
10:00	54	159	3	105
:15	32	98	2	66
:30	42	106	2	64
:45	43	106	2	63
11:00	26	53	1	27
:15	37	106	2	69
:30	33	53	1	20
:45	46	53	1	7
12:00 P.M.	43	106	2	63
:15	34	106	2	72
:30	21	53	1	32
:45	45	53	1	8
1:00	54	106	2	52
:15	51	106	2	55
:30	62	106	2	44
:45	44	106	2	62
2:00	48	53	1	5
:15	54	204	4	150
:30	40	106	2	66
:45	45	188	4	143
TOTALS	956	2,186	42	1,230

TIME PERIOD BEGIN	GLOVER PARK-TRINIDAD LINE, ROUTE D2,4				EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES		
3:00 P.M.	39	137	2		98
:15	85	348	5		263
:30	67	148	2		81
:45	56	137	2		81
4:00	81	285	4		204
:15	54	137	2		83
:30	121	211	3		90
:45	111	211	3		100
5:00	186	252	4		66
:15	175	274	4		99
:30	197	211	3		14
:45	77	211	3		134
6:00	215	285	4		70
:15	88	137	2		49
:30	81	211	3		130
:45	21	74	1		53
TOTALS	1,654	3,269	47		1,615
7:00 P.M.	28	106	2		78
:15	7	53	1		46
:30	16	53	1		37
:45	13	53	1		40
8:00	36	106	2		70
:15	24	53	1		29
:30	8	53	1		45
:45	12	53	1		41
9:00	8	53	1		45
:15	8	53	1		45
:30	-	-	-		-
:45	13	53	1		40
10:00	11	53	1		42
:15	-	-	-		-
:30	30	53	1		23
:45	2	53	1		51
11:00	7	53	1		46
:15	-	-	-		-
:30	2	53	1		51
:45	13	53	1		40
TOTALS	238	1,007	19		769
All Day TOTALS	4,455	9,783	156		5,328

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
CONNECTICUT AVENUE & K STREET, N.W.

Exhibit 76

WEEKDAY  
WESTBOUND LEAVE  
JULY 21, 1964

Page 1 of 2

TIME PERIOD BEGIN	CONNECTICUT AVENUE LINE, ROUTES L2,4			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
6:00 A.M.	29	148	2	119
:15	18	148	2	130
:30	66	219	3	153
:45	95	222	3	127
7:00	115	293	4	178
:15	88	216	3	128
:30	205	427	6	222
:45	167	361	5	194
8:00	209	416	6	207
:15	274	430	6	156
:30	123	211	3	88
:45	235	438	6	203
9:00	117	290	4	173
:15	112	336	5	224
TOTALS	1,853	4,155	58	2,302
9:30 A.M.	64	159	3	95
:45	72	204	4	132
10:00	59	204	4	145
:15	72	202	4	130
:30	40	104	2	64
:45	64	157	3	93
11:00	86	159	3	73
:15	39	106	2	67
:30	96	159	3	63
:45	62	106	2	44
12:00 P.M.	71	106	2	35
:15	39	106	2	67
:30	68	159	3	91
:45	50	53	1	3
1:00	57	106	2	49
:15	93	159	3	66
:30	76	106	2	30
:45	70	159	3	89
2:00	85	106	2	21
:15	129	210	4	81
:30	121	210	4	89
:45	85	208	4	123
TOTALS	1,598	3,248	62	1,650

TIME PERIOD BEGIN	CONNECTICUT AVENUE LINE, ROUTES 12,4			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUE	VEHICLES	
3:00 P.M.	104	290	4	186
:15	72	222	3	150
:30	171	293	4	122
:45	137	370	5	233
4:00	122	219	3	97
:15	165	353	5	188
:30	140	208	3	68
:45	173	359	5	186
5:00	280	274	4	(6)
:15	330	545	8	215
:30	146	413	6	267
:45	354	493	7	139
6:00	204	282	4	78
:15	189	219	3	30
:30	153	285	4	132
:45	127	364	5	237
TOTALS	2,867	5,189	73	2,322
7:00 P.M.	53	98	2	45
:15	46	204	4	158
:30	39	53	1	14
:45	56	104	2	48
8:00	23	106	2	83
:15	48	159	3	111
:30	17	53	1	36
:45	7	53	1	46
9:00	73	159	3	86
:15	39	106	2	67
:30	23	53	1	30
:45	29	104	2	75
10:00	20	53	1	33
:15	15	53	1	38
:30	21	106	2	85
:45	21	106	2	85
11:00	20	106	2	86
:15	11	53	1	42
:30	17	53	1	36
:45	24	106	2	82
TOTALS	602	1,888	36	1,286
All Day TOTALS	6,920	14,480	229	7,566



D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
17TH & I STS. N.W.

Exhibit 77

WEDNESDAY  
NORTHBOUND LEAVE  
JULY 10, 1964

Page 1 of 2

TIME PERIOD BEGIN	MT. PLEASANT LINE. ROUTES -C, 42, 45	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE.
6:00 A.M.		29	222	3	193
:15		25	178	2	123
:30		55	296	1	241
:45		61	370	5	309
7:00		90	518	7	428
:15		51	367	5	316
:30		134	503	7	369
:45		93	293	4	200
8:00		255	563	8	328
:15		167	367	5	200
:30		197	660	9	463
:45		125	367	5	242
9:00		106	441	6	335
:15		70	296	4	226
TOTALS		1,458	5,431	74	3,973
9:30 A.M.		40	106	2	66
:45		54	212	4	158
10:00		63	212	4	149
:15		74	265	5	191
:30		56	159	3	103
:45		66	106	2	40
11:00		63	265	5	202
:15		81	212	4	131
:30		74	212	4	138
:45		80	159	3	79
12:00 P.M.		70	159	3	89
:15		113	212	4	99
:30		75	159	3	84
:45		91	212	4	121
1:00		134	265	5	131
:15		137	265	5	128
:30		92	106	2	14
:45		127	159	3	32
2:00		112	265	5	153
:15		183	265	5	82
:30		120	159	3	39
:45		165	265	5	100
TOTALS		2,070	4,399	83	2,329

MT. PLEASANT LINE, ROUTES 40-45				
TIME PERIOD BEGIN	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.	116	296	4	180
:15	129	222	3	93
:30	125	222	3	97
:45	171	657	9	486
4:00	197	367	5	170
:15	142	222	3	80
:30	284	444	6	160
:45	133	435	6	247
5:00	148	219	3	71
:15	549	725	10	176
:30	493	660	9	167
:45	360	361	5	1
6:00	246	367	5	121
:15	274	435	6	161
:30	129	222	3	93
:45	81	148	2	67
TOTALS	3,632	6,002	82	2,370
7:00 P.M.	74	159	3	85
:15	44	53	1	9
:30	59	106	2	47
:45	72	106	2	34
8:00	36	53	1	17
:15	21	53	1	32
:30	24	53	1	29
:45	66	106	2	40
9:00	29	53	1	24
:15	25	53	1	28
:30	62	106	2	44
:45	25	53	1	28
10:00	29	53	1	24
:15	33	53	1	20
:30	23	53	1	30
:45	70	106	2	36
11:00	39	53	1	14
:15	41	53	1	12
:30	23	53	1	30
:45	25	106	2	81
TOTALS	820	1,484	28	664
All Day TOTALS	7,980	17,316	267	9,336

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
EYE ST. & CONN. AVE., N.W.

WEEKDAY  
EASTBOUND ARRIVE  
JULY 10, 1964

Exhibit 78

Page 1 of 2

TIME PERIOD BEGIN	MT. PLEASANT LINE, ROUTES 40-45 PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	16	74	1	58
:15	53	148	2	95
:30	76	222	3	146
:45	72	143	2	76
7:00	86	222	3	136
:15	166	296	4	130
:30	210	441	6	234
:45	296	512	7	216
8:00	350	509	7	159
:15	323	580	8	257
:30	382	646	9	264
:45	200	501	7	301
9:00	70	222	3	152
:15	181	370	5	189
TOTALS	2,481	4,894	67	2,413
9:30 A.M.	98	159	3	61
:45	120	212	4	92
10:00	90	159	3	69
:15	148	212	4	64
:30	95	159	3	64
:45	144	212	4	68
11:00	186	265	5	79
:15	65	159	3	94
:30	165	265	5	100
:45	80	106	2	26
12:00 P.M.	163	265	5	102
:15	151	212	4	61
:30	109	159	3	50
:45	182	265	5	83
1:00	98	159	3	61
:15	104	159	3	55
:30	88	106	2	18
:45	78	159	3	81
2:00	154	265	5	111
:15	122	159	3	37
:30	111	212	4	101
:45	99	212	4	113
TOTALS	2,650	4,240	80	1,590

TIME PERIOD BEGIN	PASSENGERS	VALUE	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.	115	370	5	255
:15	105	222	3	117
:30	115	370	5	255
:45	109	296	4	187
4:00	170	293	4	123
:15	140	367	5	227
:30	227	438	6	211
:45	261	435	6	174
5:00	260	509	7	249
:15	169	367	5	193
:30	216	657	9	441
:45	140	290	4	150
6:00	102	441	6	339
:15	72	296	4	224
:30	68	222	3	154
:45	65	293	4	228
TOTALS	2,334	5,866	80	3,532
7:00 P.M.	69	159	3	90
:15	41	106	2	65
:30	48	159	3	111
:45	46	106	2	60
8:00	46	106	2	60
:15	20	53	1	33
:30	38	106	2	69
:45	17	53	1	36
9:00	16	53	1	37
:15	37	106	2	69
:30	17	53	1	36
:45	33	106	2	73
10:00	18	53	1	35
:15	18	53	1	35
:30	2	53	1	51
:45	28	106	2	78
11:00	27	51	1	24
:15	14	53	1	39
:30	23	53	1	30
:45	17	106	2	89
TOTALS	575	1,694	32	1,119
All Day TOTALS	8,040	16,694	259	8,654

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
PENNA. AVE. & 19TH ST. N.W.

WEEKDAY  
WESTBOUND LEAVE  
AUGUST 17, 1964

Exhibit 79

Page 1 of 2

TIME PERIOD BEGIN	PENNA. AVE. RTS. 30-38 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	78	222	3	144
:15	125	208	3	83
:30	205	364	5	159
:45	129	345	5	216
7:00	219	416	6	197
:15	249	413	6	164
:30	303	627	9	324
:45	138	490	7	352
8:00	159	400	6	241
:15	229	487	7	258
:30	128	364	5	236
:45	207	507	7	300
9:00	120	293	4	173
:15	91	296	4	205
TOTALS	2,380	5,432	77	3,052
9:30 A.M.	81	157	3	76
:45	78	159	3	81
10:00	63	159	3	96
:15	97	210	4	113
:30	87	159	3	72
:45	100	159	3	59
11:00	89	159	3	70
:15	111	159	3	48
:30	56	159	3	103
:45	81	159	3	78
12:00 P.M.	61	106	2	45
:15	104	212	4	108
:30	106	159	3	53
:45	91	159	3	68
1:00	93	159	3	66
:15	116	159	3	43
:30	73	159	3	86
:45	58	53	1	(5)
2:00	151	265	5	114
:15	89	106	2	17
:30	125	159	3	34
:45	129	208	4	79
TOTALS	2,039	3,543	67	1,504



TIME PERIOD BEGIN	PENNA. AVE. RTS. 30-38 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
3:00 P.M.	152	293	4	141
:15	158	285	4	127
:30	157	296	4	139
:45	144	364	5	220
4:00	169	296	4	127
:15	90	145	2	55
:30	294	364	5	70
:45	251	490	7	239
5:00	425	558	8	133
:15	342	495	7	153
:30	456	567	8	111
:45	384	501	7	117
6:00	307	498	7	191
:15	116	222	3	106
:30	248	506	7	258
:45	130	296	4	166
TOTALS	3,823	6,176	86	2,353
7:00	73	159	3	86
:15	82	104	2	22
:30	71	106	2	35
:45	86	157	3	71
8:00	57	53	1	(4)
:15	43	106	2	63
:30	60	159	3	99
:45	75	159	3	84
9:00	52	104	2	52
:15	51	106	2	55
:30	32	159	3	127
:45	19	106	2	87
10:00	46	106	2	60
:15	16	106	2	90
:30	29	159	3	130
:45	37	159	3	122
11:00	31	106	2	75
:15	32	106	2	74
:30	10	106	2	96
:45	21	159	3	138
TOTALS	923	2,485	47	1,566
All Day TOTALS	9,165	17,636	277	8,476

D.C. TRANSIT SYSTEM, INC.  
SUMMARY OF TRAFFIC READING AT  
PENNA. AVE. & 19TH ST. N.W.  
WEEKDAY  
EASTBOUND ARRIVE  
AUGUST 17, 1964

Exhibit 80

Page 1 of 2

TIME PERIOD BEGIN	PENNA. AVE., ROUTES 30,38 PASSENGERS	VALUES	VEHICLES	EXCESS OR SHORT OF VALUE
6:00 A.M.	9	74	1	65
:15	51	290	4	239
:30	27	148	2	121
:45	93	370	5	277
7:00	102	148	2	46
:15	201	427	6	226
:30	241	424	6	183
:45	143	219	3	76
8:00	389	559	8	170
:15	471	635	9	164
:30	508	791	12	283
:45	315	632	9	317
9:00	176	356	5	180
:15	103	364	5	261
TOTALS	2,829	5,437	77	2,608
9:30 A.M.	112	204	4	92
:45	62	106	2	44
10:00	139	212	4	73
:15	63	106	2	43
:30	107	159	3	52
:45	110	159	3	49
11:00	114	159	3	45
:15	90	159	3	69
:30	105	159	3	54
:45	104	159	3	55
12:00 P.M.	91	159	3	68
:15	106	159	3	53
:30	114	159	3	45
:45	85	159	3	74
1:00	109	106	2	(3)
:15	125	212	4	87
:30	107	159	3	52
:45	95	159	3	64
2:00	84	159	3	75
:15	124	210	4	86
:30	61	106	2	45
:45	159	212	4	53
TOTALS	2,266	3,541	67	1,275

TIME PERIOD BEGIN	PENNA. AVE., ROUTES 30,38			EXCESS OR SHORT OF VALUE
	PASSENGERS	VALUES	VEHICLES	
3:00 P.M.	103	296	4	193
:15	117	293	4	176
:30	171	435	6	264
:45	137	271	4	134
4:00	242	367	5	125
:15	215	364	5	149
:30	143	293	4	150
:45	222	353	5	131
5:00	260	364	5	104
:15	277	430	6	153
:30	139	219	3	80
:45	213	361	5	148
6:00	127	364	5	237
:15	65	293	4	228
:30	153	282	4	129
:45	100	222	3	122
TOTALS	2,684	5,207	72	2,523
7:00	62	104	2	42
:15	68	106	2	38
:30	40	106	2	66
:45	89	159	3	70
8:00	26	53	1	27
:15	73	159	3	86
:30	45	104	2	59
:45	36	159	3	123
9:00	33	53	1	20
:15	54	159	3	105
:30	18	159	3	141
:45	19	106	2	87
10:00	26	106	2	80
:15	65	159	3	94
:30	16	106	2	90
:45	30	159	3	129
11:00	26	106	2	80
:15	30	106	2	76
:30	38	106	2	68
:45	16	106	2	90
TOTALS	810	2,381	45	1,571
All Day TOTALS	8,589	16,566	261	7,980

Exhibit 83

[Interstate Commerce Commission]

CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY  
NO. MC 1800

ALEXANDRIA, BARCROFT & WASHINGTON  
TRANSIT COMPANY, A CORPORATION, DOING  
BUSINESS AS A. B. & W. TRANSIT CO., ALEX-  
ANDRIA, VIRGINIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 5, held at its office in Washington, D. C., on the 7th day of August, A. D., 1951.

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, over regular routes,

Route	Between Fort Belvoir, Va., and junction Virginia High-
1	ways 350 and 7;

From Fort Belvoir over U. S. Highway 1 to junction Virginia Highway 617, thence over Virginia Highway 617 to junction Virginia Highway 350 (Shirley Memorial Highway) and thence over Virginia Highway 350 to junction Virginia Highway 7, and return over the same route.

Service is authorized to and from all intermediate points except those on the indicated portions of U. S. Highway 1, and except those on Virginia Highway 617 within one-fourth mile of U. S. Highway 1.

Route 2 Between Fort Belvoir, Va., and Washington, D. C.:

From Fort Belvoir over U. S. Highway 1 to Washington, and return over the same route.

Route 3 Between Mount Vernon, Va., and Washington, D. C.:

From Mount Vernon over Mount Vernon Memorial Highway to the Arlington Memorial Bridge, and thence over the Arlington Memorial Bridge to Washington, and return over the same route.

[2] Route 4 Between Annandale, Va., and junction access roads and U. S. Highway 1:

From Annandale over Virginia Highway 244 (Columbia Pike) and access roads in the area of the Navy Annex and the Pentagon Building to junction U. S. Highway 1, and return over the same route.

Route 5 Between Washington, D. C., and Alexandria, Va.:

From Washington across the Arlington Memorial Bridge to Arlington Memorial Drive, thence over Arlington Memorial Drive to junction Arlington Ridge Road, and thence over Arlington Ridge Road to Alexandria, and return over the same route.

Between points in Virginia as follows:

- |             |   |
|-------------|---|
| Route<br>6  | From junction Arlington Ridge Road and South 20th Street over South 20th Street to junction U. S. Highway 1, and return over the same route.  |
| Route<br>7  | From Alexandria over Seminary Road to junction South Glebe Road, via junction Army Navy Drive to junction U. S. Highway 1, and return over the same route.  |
| Route<br>8  | From junction South Glebe Road and Army Navy Drive over Army Navy Drive via junction South 23rd Street to junction Arlington Ridge Road, and return over the same route.  |
| Route<br>9  | From junction Army Navy Drive and South 23rd Street over South 23rd Street to junction U. S. Highway 1, and return over the same route.   |
| Route<br>10 | From Seminary over Quaker Lane to junction Little River Road (Virginia Highway 236), and thence over Little River Road to Alexandria.<br><br>Return from Alexandria over Leesburg Turnpike (Virginia Highway 7) to junction Quaker Lane, and thence over Quaker Lane to Seminary. |
| Route<br>11 | From junction Little River Road and Quaker Lane over Little River Road to Washington Quartermaster Sub-Depot, Cameron, Fairfax County, and return over the same route.  |
| Route<br>12 | From the approach roads to the Pentagon Building, Arlington County, over Shirley Memorial Highway to junction Virginia Highway 7, Fairfax County, and return over the same route.   |
| Route<br>13 | From junction U. S. Highway 1 and Huntington Avenue (Virginia Highway 629) over Huntington Avenue to junction Telegraph Road, thence over Telegraph Road to junction Franconia Road, thence over Franconia Road via Franconia to junction Virginia High-                          |

and thence  
over South  
Glebe Road



way 644, and thence over Virginia Highway 644 to Garfield.

- Route 14 From junction Telegraph Road and Duke Street, Alexandria, over Telegraph Road to junction Huntington Avenue, and return over the same route.
- Route 15 From Alexandria over Virginia Highway 7 to junction 5th Road, Fairfax, and return over the same route.
- [3] Route 16 From the Rotary at Shirlington over Seminary Road to junction South Utah Street, thence over South Utah Street to junction South Stafford Street, thence over South Stafford Street to junction South 32nd Road, thence over South 32nd Road to junction South Utah Street, thence over South Utah Street to junction South 34th Street, thence over South 34th Street to access roads across Shirley Memorial Highway to Abingdon Drive, thence over Abingdon Drive to South 31st Street, thence over South 31st Street to South Buchanan Street, and thence over South Buchanan Street to junction South 27th Road, and return over the same route.
- Route 17 From junction Columbia Pike and South Barton Street over South Barton Street to junction South 16th Street, thence over South 16th Street to junction South Highland Street, thence over South Highland Street to junction South 14th Street, thence over South 14th Street to junction South Glebe Road, thence over South Glebe Road to junction South 14th Street, and thence over South 14th Street to junction South Quincy Street.
- Return from junction South Quincy and South 14th Streets over South 14th Street to junction South Glebe Road, thence over South Glebe Road to junction South 14th Street, thence over South 14th Street to junction South Highland Street, thence over South Highland Street to junction South 16th Street, thence

over South 16th Street to junction South Edgewood Street, thence over South Edgewood Street to junction South 13th Road, thence over South 13th Road to junction South Barton Street, and thence over South Barton Street to junction Columbia Pike.

Route  
18

From junction South Vermont and South 16th Streets over South 16th Street to junction South Glebe Road, and thence over South Glebe Road to junction Columbia Pike, and return over the same route.

Route  
19

From junction South 33rd Street and Seminary Road over South 33rd Street to junction South Stafford Street, thence over South Stafford Street to junction South 36th Street, thence over South 36th Street to junction South Wakefield Street, thence over South Wakefield Street to junction Leesburg Turnpike, thence over Leesburg Turnpike to junction South 31st Street, thence over South 31st Street to junction South Columbus Street, thence over South Columbus Street to junction South 28th Street, and thence over South 28th Street to junction Virginia Highway 7, Fairfax County.

Return over South 28th Street to junction South Columbus Street, thence over South Columbus Street to junction South 30th Street, thence over South 30th Street to junction Leesburg Turnpike, thence over Leesburg Turnpike to junction South Wakefield Street, thence over South Wakefield Street to junction South 36th Street, thence over South 36th Street to junction South Utah Street, thence over South Utah Street to junction South 34th Street, thence over South 34th Street to junction South 33rd Street, thence over South 33rd Street to junction Seminary Road.

[4] Route  
20

From junction Columbia Pike and South Taylor Street over South Taylor Street to junction South Fourth Street, thence over South Fourth Street to junction South Wakefield Street, thence over South Wakefield Street to junction South Eighth Street, thence

over South Eighth Street to junction South Buchanan Street, and thence over South Buchanan Street to junction Columbia Pike, and return over the same route.

Between points in Arlington County, Va., as follows:

- |             |  |
|-------------|--|
| Route<br>21 | From the south end of the 14th Street Bridge near the junction of Mount Vernon Memorial Highway over "C" Roadway and Bridge 18 to junction "S" Roadway, and thence over "S" Roadway to Jefferson Davis Highway.  |
| Route<br>22 | From the junction Jefferson Davis Highway and "N" Roadway, over "N" Roadway to junction "D" Roadway, and thence over "D" Roadway to the south end of the 14th Street Bridge near Mount Vernon Memorial Highway.  |
| Route<br>23 | From the south end of the 14th Street Highway Bridge near Mount Vernon Memorial Highway over "C" Roadway and ramp to South Parking Area, thence via South Parking Area to entrance at Classification Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard to South Parking Area, thence over ramp to "H" Roadway, thence over "H" Roadway to ramp and over ramp to "C" Roadway, thence over "C" Roadway to "J" Roadway, and thence over "J" Roadway to junction Arlington Ridge Road.      |
| Route<br>24 | From junction Arlington Ridge Road and "K" Roadway over "K" Roadway to "D" Roadway, thence over "D" Roadway over Bridge 11, down ramp and under Bridge 11 to South Parking Area, thence through South Parking Area to Classification Yard and Pentagon Bus Terminal entrance and thence through Classification Yard and ramp to "H" Roadway, thence over "H" Roadway to Bridge 10, and ramp of "D" Roadway, thence over "D" Roadway to south end of the 14th Street Highway Bridge near Mount Vernon Memorial Highway. |

- Route 25 From junction Arlington Ridge Road and "K" Roadway over "K" Roadway to "D" Roadway, thence over "D" Roadway to "E" Roadway under Bridge 13, thence over "E" Roadway via Bridge 13 to "A" Roadway, thence over "A" Roadway to cutoff east of Bridge 14, to Columbia Pike, thence over Columbia Pike and through South Parking Area to entrance of Classification Yard, thence through Classification Yard to entrance of Pentagon Bus Terminal, thence through Classification Yard, and over Bridge 8 to ramp, thence to "H" Roadway, thence over "H" Roadway to ramp, and thence over ramp to Memorial Avenue.
- Route 26 From junction Memorial Highway and Bridge 1 to ramp and down ramp to "H" Roadway, thence over "H" Roadway to ramp, and over ramp to Bridge 9, thence over Bridge 9 to Classification Yard off Columbia Pike, thence over ramp to "B" Roadway, thence over "B" Roadway to "F" Roadway, thence over "F" Roadway to "C" Roadway, thence over "C" Roadway to "J" Roadway, thence over "J" Roadway to junction Arlington Ridge Road.
- Route 27 From Shirley Memorial Highway under Bridge 16 to "D" Roadway.
- [5] Route 28 From the south end of the 14th Street Highway Bridge over "C" Roadway to ramp, to South Parking Area, thence through South Parking Area to Classification Yard, and thence through Classification Yard to Pentagon Bus Terminal, and thence through Classification Yard to South Parking Area to Parking Roadway, thence west along the Parking Roadway and under Bridge 7 to junction South Gate Roadway, thence over South Gate Roadway to junction South Orme Street, and thence over South Orme Street to junction Columbia Pike.
- Route 29 From junction Columbia Pike and South Orme Street, over South Orme Street to junction South Gate Roadway, and thence over South Gate Roadway to and un-

der Bridge 7 to South Parking Area, thence through South Parking Roadway east to roadway to Classification Yard, and thence through Classification Yard to Bus Terminal entrance, thence through Classification Yard to ramp, and thence down ramp to "H" Roadway, thence over "H" Roadway to Bridge 10 to ramp up to "D" Roadway, thence over "D" Roadway to south end of the 14th Street Highway Bridge.

- Route 30 From west end of the Memorial Bridge to right turn at Memorial Circle to "B" Roadway to junction "U" Roadway, thence over "U" Roadway to junction "A" Roadway, thence over "A" Roadway to junction "C" Roadway, and thence over "C" Roadway to junction Shirley Memorial Highway.
- Route 31 From Shirley Memorial Highway to and under Bridge 16, thence over "D" Roadway to junction "B" Roadway, thence over "B" Roadway to Memorial Circle.
- Route 32 From junction Memorial Highway and "T" Roadway over "T" Roadway to junction "B" Roadway.
- Route 33 From junction "A" Roadway and "R" Roadway over "R" Roadway to junction Memorial Highway.
- Route 34 From Arlington Ridge Road and north entrance to Arlington Farms, over Arlington Farms Roadway to south entrance and Arlington Ridge Road, and in the reverse direction.
- Route 35 From Arlington Ridge Road and central entrance to Arlington Farms, over Arlington Farms Roadway to Recreation Hall Circle, and in the reverse direction.
- Route 36 From junction "A" Roadway and "C" Roadway over "A" Roadway and Bridge 14 to ramp, to Columbia Pike.
- Route 37 From junction "B" Roadway and "F" Roadway over "B" Roadway to junction "D" Roadway, and thence over "D" Roadway to Bridge 10.



- Route 38 From junction Columbia Pike and South Rolfe Street over "F" Roadway to junction "B" Roadway.
- Route 39 From "D" Roadway and ramp over ramp to Jefferson Davis Highway.
- Route 40 From junction Jefferson Davis Highway and "H-4" Roadway, over "H-4" Roadway to junction "H" Roadway, thence over "H" Roadway to ramp to junction "C" Roadway.
- [6] Route 41 From "H" Roadway under Bridge 10 to ramp to Roadway from Classification Yard.
- Route 42 From "H" Roadway under Bridge 8 to ramp down from Classification Yard.
- Route 43 From "H" Roadway and ramp to Bridge 9, and thence under Bridge 8 to ramp from Classification Yard.
- Route 44 From "H" Roadway to ramp to "A" Roadway.
- Route 45 From under Bridge 10 over "H-3" Roadway to Jefferson Davis Highway.
- Route 46 From under Bridge 8 over ramp to Classification Yard.

Service is authorized to and from all intermediate points on routes 2-46 inclusive.

The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

AND IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.



By the Commission, division 5.

W. P. Bartel  
Secretary

(SEAL)

\*This certificate embraces (1) all of the operating rights granted the above-named carrier in Certificates Nos. MC 1800, MC 1800 Sub 4, MC 1800 Sub 6, MC 1800 Sub 7, MC 1800 Sub 12, MC 1800 Sub 14, MC 1800 Sub 16, MC 1800 Sub 17, MC 1800 Sub 18, and MC 1800 Sub 20; and (2) that portion of the operating rights in Certificate No. MC 68167, purchased by the above-named carrier pursuant to MC-F 3821.

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[Exhibit 83, cont'd]

CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

NO. MC 1800 SUB 22

ALEXANDRIA, BARCROFT AND WASHINGTON TRANSIT COMPANY, A CORPORATION DOING BUSINESS AS A. B. & W. TRANSIT COMPANY, ALEXANDRIA, VIRGINIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 1, held at its office in Washington, D. C., on the 26th day of July, A. D. 1956.

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, how-

ever, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers,

Between points in Virginia, serving all intermediate points, as follows:

From junction Columbia Pike and Greenbrier Street in Arlington County over Greenbrier Street to junction 8th Road South, and return over the same route.

From junction Greenbrier Street and 8th Road South over 8th Road South to junction Carlyn Spring Road, and return over the same route.

From junction 8th Road South and Carlyn Spring Road over Carlyn Spring Road to junction 5th Street, and return over the same route.

From junction Carlyn Spring Road and 5th Street over 5th Street to junction Virginia Highway 7, Culmore, Va., and return over the same route.

AND IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

By the Commission, division 1.

(SEAL)

Harold D. McCoy,  
Secretary

## CERTIFICATE OF PUBLIC CONVENIENCE

AND NECESSITY

[Exhibit 83, cont'd]

NO. MC 1800 SUB 23

ALEXANDRIA, BARCROFT AND WASHINGTON  
TRANSIT COMPANY, A CORPORATION DOING  
BUSINESS AS A. B. & W. TRANSIT COMPANY,  
ALEXANDRIA, VIRGINIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 1, held at its office in Washington, D. C., on the 5th day of September, A. D. 1956.

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

## REGULAR ROUTES:

Passengers and their baggage, and express and newspapers,  
in the same vehicle with passengers,

Between junction Virginia Highways 236 and 617 and  
Burke, Va., Airport, serving all intermediate points:

From junction Virginia Highways 236 and 617 over Virginia Highway 617 to junction Virginia Highway 644, thence over Virginia Highway 644 to junction Virginia Highway 643, thence over Virginia Highway 643 to junction Virginia Highway 645, thence over Virginia Highway 645 to junction Virginia Highway 652, and thence over Virginia Highway 652 to Burke, Va., Airport, and return over the same route.

Between junction Virginia Highway 350 (Shirley Memorial Highway) and proposed Burke, Va., Airport access road and Burke, Va., Airport, serving all intermediate points:

From junction Virginia Highway 350 and proposed Burke, Va., Airport access road over the proposed Burke, Va., Airport access road to Burke, Va., Airport, and return over the same route.

AND IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

By the Commission, division 1.

(SEAL)

Harold D. McCoy  
Secretary

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[Interstate Commerce Commission]  
CERTIFICATES OF PUBLIC CONVENIENCE  
AND NECESSITY  
NO. MC 3677\* [Exhibit 84]

W. M. A. TRANSIT COMPANY, A CORPORATION,  
WASHINGTON, DISTRICT OF COLUMBIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 5, held at its office in Washington, D. C., on the 24th day of February, A. D. 1954.

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and express, newspapers and mail in the same vehicle with passengers,

Between Washington, D. C., and Andrews Field, Camp Springs, Md., serving all intermediate points:

From Washington over unnumbered highway extending from Branch Avenue, Southeast, to junction un-



numbered military highway which extends between Bolling Field, D. C., and Andrews Field, Md., thence over such unnumbered military highway to Andrews Field, and return over the same route.

Between Silver Hill, Md., and Temple Hills, Md., serving all intermediate points:

From Silver Hill over Maryland Highway 5 to junction Maryland Highway 414, thence over Maryland Highway 414 to junction Temple Road, thence over Temple Road to Temple Hills, and return over the same route.

[2] Between Silver Hill, Md., and Allentown, Md., serving all intermediate points:

From Silver Hill over Maryland Highway 5 to Camp Springs, Md., thence over Maryland Highway 337 to Allentown, and return over the same route.

Between Suitland, Md., and the West Gate of Andrews Field, Md., serving all intermediate points:

From Suitland over Mayhew Road to junction Maryland Highway 337, and thence over Maryland Highway 337 to the West Gate of Andrews Field, and return over the same route.

Between Seat Pleasant, Md., and Carmody Hills, Md., serving all intermediate points:

From Seat Pleasant over Maryland Highway 704 to junction F Street (formerly Carmody Road), thence over F Street to Carmody Hills, and return over the same route.

Between Seat Pleasant, Md., and Ardmore, Md., serving all intermediate points:

From Seat Pleasant over Maryland Highway 704 to Ardmore, and return over the same route.

Between Allentown, Md., and Oakland, Md., serving all intermediate points:

From Allentown over Maryland Highway 337 to Oaklawn, and return over the same route.

Between Andrews Field (West Gate), Md., and Camp Springs, Md., serving all intermediate points:

From Andrews Field (West Gate), Md., over Maryland Highway 337 to Camp Springs, and return over the same route.

Between Washington, D. C., and junction Maryland Highway 414 and Temple Hills Road; serving all intermediate points:

From Washington over Maryland Highway 224 to Oxon Hill, Md., thence over Maryland Highway 414 to junction Temple Hills Road, and return over the same route.

*over New Maryland Highway 224*  
Between junction Maryland Highway 224 and New Maryland Highway 224 and Forest Heights, Md.; serving all intermediate points:

From junction Maryland Highway 224 and New Maryland Highway 224 to Forest Heights, and return over the same route.

[3] Between junction Maryland Highway 704 and Maryland Boulevard in Landover, Md., and junction 73rd Avenue and Forest Road in Kent Village, Md.; serving all intermediate points:

From junction Maryland Highway 704 and Maryland Boulevard, and extending over Maryland Boulevard to Marlboro Avenue, thence over Marlboro Avenue to Cleveland Street, thence over Cleveland Street to Sheriff Avenue, thence over Sheriff Avenue to Hawthorne Street, thence over Hawthorne Street to 73rd Avenue, thence over 73rd Avenue to Forest Road, thence over Forest Road to junction 73rd Avenue; and

Return from 73rd Avenue and Forest Road over Forest Road to 74th Street, thence over 74th Street

to Sheriff Avenue, thence over Sheriff Avenue to Cleveland Street, thence over Cleveland Street to Marlboro Avenue, thence over Marlboro Avenue to Maryland Boulevard, and thence over Maryland Boulevard to junction Maryland Highway 704.

Between Washington, D. C., and North Beach and Suitland, Md., serving all intermediate points, as follows:

From Washington over Maryland Highway 4 to Drury, Md., thence over Maryland Highway 16 to Mt. Harmony, Md., and thence over Maryland Highway 260 to North Beach; and return over the same route.

From Washington over Maryland Highway 5 to Silver Hill, Md., thence over unnumbered highway to Suitland; and return over the same route.

Between junction Maryland Highways 2 and 214, and Beverly Beach, Md., serving all intermediate points:

From junction Maryland Highways 2 and 214, over Maryland Highway 2 to junction Mayo Road, and thence over Mayo Road to Beverly Beach, and return over the same route.

Between Washington, D. C., and Seat Pleasant, Md.; serving all intermediate points:

From Washington over Maryland Highway 4 to junction unnumbered highway, thence over unnumbered highway via Capitol Heights, Md., to Seat Pleasant, and return over the same route.

Between Washington, D. C., and Forestville, Md.; serving all intermediate points:

From Washington over unnumbered highway via Suitland, Md., to junction Maryland Highway 4, thence over Maryland Highway 4 to Forestville, and return over the same route.

[4] Passengers and their baggage, and newspapers, express and mail in the same vehicle with passengers, in a seasonal

operation, between May 15 and September 15, both inclusive, of each year,

Between junction Maryland Highways 214 and 389 and junction Maryland Highways 214 and 2; serving no intermediate points:

From junction Maryland Highways 214 and 389 over Maryland Highway 214 to junction Maryland Highway 2, and return over the same route.

Between Bristol, Md., and Shadyside, Md.; serving all intermediate points:

From Bristol over Maryland Highway 258 to junction Maryland Highway 2, thence over Maryland Highway 2 to junction Maryland Highway 256, thence over Maryland 256 to junction Maryland Highway 255, and thence over Maryland Highway 255 to Shadyside, and return over the same route.

Between junction Maryland Highways 2 and 253 and Sparrows Beach, Md.; serving the intermediate point of Carr's Beach, Md.:

From the described junction over Maryland Highway 2 to junction Chinquapin Road, thence over Chinquapin Road to junction Maryland Highway 387, thence over Maryland Highway 387 to junction Forest Drive, thence over Forest Drive to junction Bay Ridge Road, thence over Bay Ridge Road to Sparrows Beach Road, and thence over Sparrows Beach Road to Sparrows Beach, and return over the same route.

Passengers and their baggage in the same vehicle with passengers,

Between junction Maryland Highway 704 and Sheriff Road, Prince Georges County, Md., and junction Kenilworth and Eastern Avenue, N. E., Washington, D.C.; serving all intermediate points:

From junction Maryland Highway 704 and Sheriff Road, over Sheriff Road to junction Addison Road, thence over Addison Road to junction Eastern Avenue, thence over Eastern Avenue to junction Kenilworth Avenue, and return over the same route.

IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

[5] AND IT IS FURTHER ORDERED, That this certificate shall supersede Certificates Nos. MC 3677, MC 3677 Sub 5, MC 3677 Sub 6, MC 3677 Sub 12, MC 3677 Sub 14, MC 3677 Sub 19, MC 3677 Sub 20, MC 3677 Sub 22, MC 3677 Sub 24, MC 3677 Sub 27, and MC 3677 Sub 29, issued October 30, 1946, June 30, 1945, April 28, 1945, September 20, 1946, August 1, 1946, June 2, 1947, June 11, 1947, June 29, 1948, October 21, 1948, November 1, 1950, and January 15, 1952, as amended by order dated January 25, 1954, and that said certificates be, and they are hereby, canceled.

By the Commission, division 5.

George W. Laird  
Secretary

(SEAL)

\*This certificate embraces the operating rights in the certificates superseded and canceled in the last ordering paragraph above and is issued solely for the purpose of reflecting change in carrier's corporate name.



[Interstate Commerce Commission]

CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

NO. MC 3677 SUB 31 [Exhibit 84, Cont'd]

W. M. A. TRANSIT COMPANY, A CORPORATION,  
WASHINGTON, DISTRICT OF COLUMBIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division  
5, held at its office in Washington, D.C., on the 11th day of April,  
A. D. 1955

AFTER DUE INVESTIGATION, It appearing that the above-named  
carrier has complied with all applicable provisions of the Interstate  
Commerce Act, and the requirements, rules, and regulations prescribed  
thereunder, and, therefore, is entitled to receive authority from this  
Commission to engage in transportation in interstate or foreign com-  
merce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted  
this Certificate of Public Convenience and Necessity as evidence of the  
authority of the holder to engage in transportation in interstate or for-  
eign commerce as a common carrier by motor vehicle; subject, how-  
ever, to such terms, conditions, and limitations as are now, or may  
hereafter be, attached to the exercise of the privileges herein granted to  
the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be  
performed by the said carrier in interstate or foreign commerce shall  
be as specified below:

REGULAR ROUTES:

Passengers and their baggage and express and newspapers in  
the same vehicle with passengers,

Between Wells Corner, Md., and Baltimore, Md.,  
serving no intermediate points:

216B

From Wells Corner over U.S. Highway 301 to Baltimore, and return over the same route.

Between junction Maryland Highways 416 and 260 and Solomons, Md., serving all intermediate points:

From junction Maryland Highways 416 and 260 over Maryland Highway 416 to junction Maryland Highway 2, thence over Maryland Highway 2 to Solomons, and return over the same route.

AND IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

By the Commission, division 5.

(SEAL)

Harold D. McCoy  
Secretary

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[Interstate Commerce Commission]

CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

NO. MC 3677 SUB 32 [Exhibit 84, Cont'd.]

W. M. A. TRANSIT COMPANY, A CORPORATION  
WASHINGTON, DISTRICT OF COLUMBIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 5,  
held at its office in Washington, D.C., on the 11th day of April, A.D.  
1955

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this

Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers,

Between Lyons Creek, Md., and Paris, Md., serving all intermediate points.

From Lyons Creek over Maryland Highway 751 to Paris, and return over the same route.

Between Owings, Md., and North Beach, Md., serving all intermediate points:

From Owings over Maryland Highway 2 to junction Maryland Highway 613, thence over Maryland Highway 613 to junction unnumbered highway at a point about two miles west of North Beach Park, Md., thence over said unnumbered highway to North Beach, and return over the same route.

Between Chesapeake Beach, Md., and Breezy Point, Md., serving all intermediate points:

From Chesapeake Beach over Maryland Highway 261, through Sea Side and Randalls Cliff Beach, to Breezy Point, and return over the same route.

AND IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

By the Commission, division 5.

(SEAL)

Harold D. McCoy  
Secretary.

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[Interstate Commerce Commission]

CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

NO. MC 3677 SUB 34 \* [Exhibit 84, cont'd]

W. M. A. TRANSIT COMPANY,  
WASHINGTON, D.C.

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 5, held at its office in Washington, D.C., on the 14th day of December, A.D. 1954

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be,

attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and newspapers in the same vehicle with passengers,

Between Washington, D.C., and Indian Head, Md., serving all intermediate points as follows:

From Washington, D.C., over city streets to the District of Columbia-Maryland State line, thence over Maryland Highway 224 to Mason Springs, Md., and thence over Maryland Highway 225 to Indian Head, and return over the same route.

From Washington, D.C., over Alternate Maryland Highway 224 to Indian Head, and return over the same route.

Between Fort Washington, Md., and Silesia, Md., serving all intermediate points:

From Fort Washington over Maryland Highway 549 to Silesia, and return over the same route.

The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

AND IT IS FURTHER ORDERED, That this certificate shall super-



sede Certificates Nos. MC 102780, MC 102780 Sub 6, and MC 102780 Sub 7, issued June 14, 1943, September 26, 1947, and August 14, 1951, respectively, acquired by the above-named carrier pursuant to MC-F 5707, assigned No. MC 3677 Sub 34, and that said certificates be, and they are hereby, canceled.

By the Commission, division 5.

George W. Laird,  
Secretary.

[SEAL]

\* This certificate embraces the operating rights in the certificates superseded and canceled in the last ordering paragraph above.

[Interstate Commerce Commission]

CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

NO. MC 3677 SUB 35 [Exhibit 84, Cont'd.]

W. M. A. TRANSIT COMPANY, A CORPORATION,  
WASHINGTON, DISTRICT OF COLUMBIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 1, held at its office in Washington, D.C., on the 20th day of February, A.D., 1958.

AFTER DUE INVESTIGATION, It appearing that the above-named carrier has complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, therefore, is entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted this Certificate of Public Convenience and Necessity, evidence of the authority of the holder to engage in transportation in interstate or foreign commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be,

attached to the exercise of the privileges herein granted to the said carrier.

IT IS FURTHER ORDERED, That the transportation service to be performed by the said carrier in interstate or foreign commerce shall be as specified below:

REGULAR ROUTE:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers,

Between Washington, D.C., and Capitol Heights, Md., serving no intermediate points:

From junction Central Avenue and Southern Avenue at the Maryland-District of Columbia boundary line and extending over Central Avenue to Capitol Heights, and return over the same route.

AND IT IS FURTHER ORDERED, and is made a condition of this certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate.

By the Commission, division 1.

(SEAL)

Harold D. McCoy,  
Secretary.

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CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY

NO. MC 3677 SUB 38

[Exhibit 84, Cont'd.]

W. M. A. TRANSIT COMPANY, A CORPORATION,  
WASHINGTON, DISTRICT OF COLUMBIA

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 1,  
held at its office in Washington, D.C., on the 13th day of June, A.D.,  
1958.

AFTER DUE INVESTIGATION, It appearing that the above-named  
carrier has complied with all applicable provisions of the Interstate Com-  
merce Act, and the requirements, rules, and regulations prescribed  
thereunder, and, therefore, is entitled to receive authority from this  
Commission to engage in transportation in interstate or foreign com-  
merce as a motor carrier; and the Commission so finding;

IT IS ORDERED, That the said carrier be, and it is hereby, granted  
this Certificate of Public Convenience and Necessity as evidence of the  
authority of the holder to engage in transportation in interstate or for-  
eign commerce as a common carrier by motor vehicle; subject, however,  
to such terms, conditions, and limitations as are now, or may hereafter  
be, attached to the exercise of the privileges herein granted to the said  
carrier.

IT IS FURTHER ORDERED, and is made a condition of this certifi-  
cate that the holder thereof shall render reasonably continuous and ade-  
quate service to the public in pursuance of the authority herein granted,  
and that failure so to do shall constitute sufficient grounds for suspen-  
sion, change, or revocation of this certificate.

AND IT IS FURTHER ORDERED, That the transportation service to  
be performed by the said carrier in interstate or foreign commerce  
shall be as specified below:

REGULAR ROUTE:

Passengers and their baggage, and express and news-  
papers, in the same vehicle with passengers,

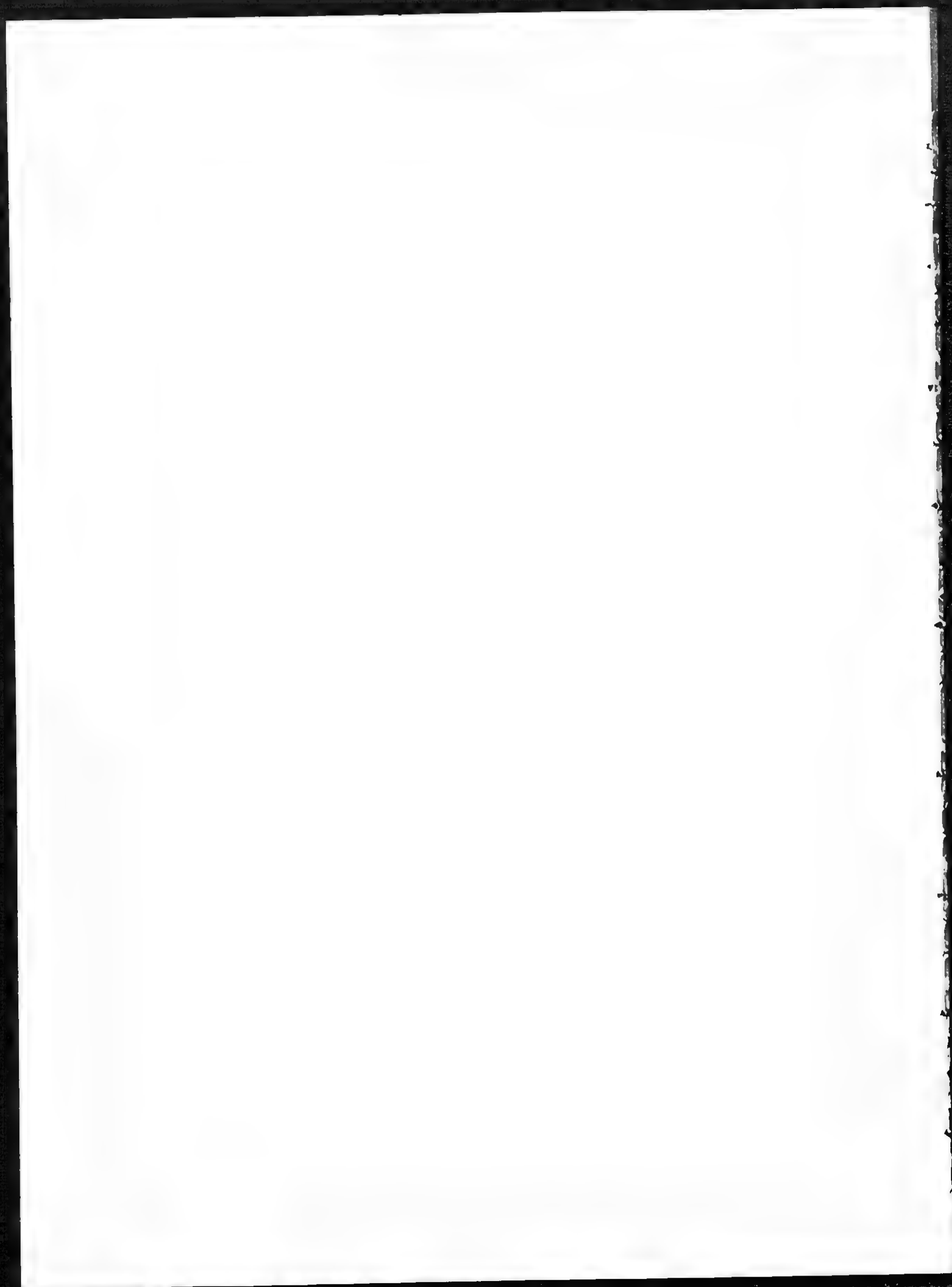
Between Kent Village, Md., and Radiant Valley, Md.,  
serving no intermediate points:

From the junction of 73rd Avenue and Forest Road  
(Kent Village) over 73rd Avenue to Landover Road,  
thence over Landover Road to Old Landover Road,  
thence over Old Landover Road to Warner Avenue,  
thence over Warner Avenue to Parkwood Street,  
thence over Parkwood Street to Randolph Street,  
thence over Randolph Street to Fairwood Road,  
thence over Fairwood Road to Thornwood Drive,  
thence over Thornwood Drive to Barton Road, and  
thence over Barton Road to terminal at Barton Road  
and Shepherd Street (Radiant Valley), and return over  
the same route.

By the Commission, division 1.

(SEAL)

Harold D. McCoy,  
Secretary.





## PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

[1]

Order No. 2377

[Exhibit 86]

September 9, 1942.

## IN THE MATTER OF

Operation of busses by the ALEXANDRIA P.U.C. No. 2097/2.  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

SUPERSEDING ORDER NO. 1892 AND CANCELING ORDERS  
NOS. 1918, 1934, 2017, 2115, 2179, 2196 AND 2308, AND OR-  
DERS NOS. 2244, 2260 AND 2295, WHERE APPLICABLE.

By the Commission: The large increase in the volume of bus traf-  
fic of the Virginia bus lines operating to and from terminals on 10th  
Street, Northwest, between D and E Streets, has created serious con-  
gestion both in street space and in sidewalk space. After full study by  
public authorities arrangements have been completed for the establish-  
ment of bus terminals on 12th Street, Northwest, which, together with  
rerouting changes and the use of the terminal established by Order No.  
2360, will permit the termination of these bus lines south of Pennsyl-  
vania Avenue.

The plan, as it affects the bus operation of the Alexandria, Bar-  
croft and Washington Transit Company, provides for the installation of  
a channelized terminal with loading platforms on the south side of Penn-  
sylvania Avenue, in front of the old Post Office Building, with operation  
on 12th Street, Pennsylvania Avenue and 10th Street, thereby removing  
all busses of this Company from the streets north of Pennsylvania Av-  
enue. The plan will produce a saving in bus miles and operating time  
which is necessary at the present time due to the acute shortage of  
materials and men.

It is the opinion of the Commission that the routes, stops, termi-  
nals and other provisions of this order are in the public interest.

## IT IS ORDERED THAT:

Section 1. Order No. 1892 be superseded and Orders Nos. 1918, 1934, 2017, 2115, 2179, 2196 and 2308, and Orders Nos. 2244, 2260 and 2295, where applicable, be canceled by this order.

Section 2. The Alexandria, Barcroft and Washington Transit Company be and it is hereby authorized and directed to operate bus service over the following routes within the District of Columbia:

MEMORIAL BRIDGE ROUTEINBOUND:

Over the Arlington Memorial Bridge, Lincoln Memorial Circle and 23rd Street to Constitution Avenue, east on Constitution Avenue to 12th Street, north on 12th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to terminal.

OUTBOUND:

[2]

From terminal on Pennsylvania Avenue, east on Pennsylvania Avenue to 10th Street, south on 10th Street to Constitution Avenue, west on Constitution Avenue to 23rd Street, south on 23rd and Lincoln Memorial Circle to Arlington Memorial Bridge.

HIGHWAY BRIDGE ROUTEINBOUND:

North on Highway Bridge and United States Route No. 1 to East Basin Drive, west on East Basin Drive to 15th Street, north on 15th Street to Independence Avenue, east on Independence Avenue to 12th Street, north on 12th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to terminal.

OUTBOUND:

From terminal on Pennsylvania Avenue, east on Pennsylvania Avenue to 10th Street, south on 10th Street to Constitution Avenue, west on Constitution Avenue to 12th Street, south on 12th Street to Independence Avenue, west on Independence Avenue to 15th Street, south on 15th Street to East Basin Drive, east on East Basin Drive to United States Route No. 1, south on United States Route No. 1 and Highway Bridge.

### RUSH HOUR ROUTES

A.M. RUSH HOUR: Over the Arlington Memorial Bridge and 23rd Street to Constitution Avenue, east on Constitution Avenue to 14th Street, south on 14th Street to Independence Avenue, west on Independence Avenue to 15th Street, south on 15th Street to East Basin Drive, east on East Basin Drive to United States Route No. 1, south on United States Route No. 1 and Highway Bridge.

P.M. RUSH HOUR: Over the Arlington Memorial Bridge and 23rd Street to Constitution Avenue, east on Constitution Avenue to 12th Street, south on 12th Street to Independence Avenue, west on Independence Avenue to 15th Street, south on 15th Street to East Basin Drive, east on East Basin Drive to United States Route No. 1, south on United States Route No. 1 and Highway Bridge.

Section 3. The following terminals be established:

East side of 12th Street, Northwest, beginning at the south curb of D Street and extending south 146 ft. Beginning again 193 ft. south of south curb of D Street and extending south 120 ft.

South side of Pennsylvania Avenue, Northwest, in front of the Old Post Office Building, east of 12th Street, as per plan of the District of Columbia Highway Department.

[3] Section 4. The authority contained herein shall be applicable to the operation of Class B busses only, as defined in the Commission's Order No. 936.

Section 5. The following stops and zones be established:

INBOUND: United States Route No. 1,  
 North end of Highway Bridge.  
 Adjacent to the Tourist Camp.  
 Near side of Potomac Park Golf Course Roadway.  
15th Street, Southwest, east side,  
 At entrance to Bureau of Engraving and Printing.

Independence Avenue, Southwest, south side,  
Beginning 188 ft. east of east curb of 14th Street and  
extending east 132 ft., 2-bus zone.

12th Street, east side,  
South of Jefferson Drive, 2-bus zone.  
North of Constitution Avenue, 2-bus zone.

Terminal.

OUTBOUND: 10th Street, Northwest, west side,  
Beginning 242 ft. south of south curb of Pennsylvania  
Avenue and extending north 138 ft., 2-bus zone.

12th Street, west side,  
South of Constitution Avenue.  
North of Jefferson Drive, 2-bus zone.

Independence Avenue, north side,  
Beginning 70 ft. east of east curb of 14th Street and  
extending east 186 ft.

United States Route No. 1,  
Near side of Potomac Park Golf Course Roadway.  
Adjacent to the Tourist Camp.  
North end of Highway Bridge.

Section 6. Busses shall not be stopped for the purpose of receiving passengers on inbound trips or of discharging passengers on outbound trips except at stops at the Potomac Park Golf Course Roadway, Tourist Camp, and north end of Highway Bridge.

Section 7. The fare for passengers using busses under the authorization contained in Section 6 hereof shall be 10 cents cash.

Section 8. The Company shall file with the Commission a copy of all schedules in force in the District of Columbia and shall notify the Commission at least forty-eight (48) hours in advance of any change in schedules.

Section 9. Busses operated on these lines shall not deviate from the routes hereinbefore described except when required by street work,

fire or other emergency. Where deviation is necessary, busses shall be operated over such routes as may be directed by detour signs, police instructions, or orders of the Commission.

Section 10. This order become effective Monday, September 28, 1942.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary.  
September 18, 1942

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

C. W. KUTZ  
Chairman of the Joint Board.

AD

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Order No. 2507

[Exhibit 86, cont'd]

February 23, 1943.

IN THE MATTER OF

Operation of busses by the ALEXANDRIA, P.U.C. No. 2097/2.  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

CANCELING ORDERS NOS. 2377 AND 2436

By the Commission: The completion of the grade separation structure at 14th Street and Main Avenue, Southwest, requires that the Alexandria, Barcroft and Washington Transit Company be assigned a permanent routing within the District of Columbia.

It is the opinion of the Commission that the routes, stops, terminals and other provisions of this order are in the public interest. Therefore,



## IT IS ORDERED THAT:

Section 1. Orders Nos. 2377 and 2436 be superseded and canceled by this order.

Section 2. The Alexandria, Barcroft and Washington Transit Company be and it is hereby authorized and directed to operate bus service over the following routes within the District of Columbia:

Highway Bridge Route

**INBOUND:** From the District of Columbia Line, north on Highway Bridge and 14th Street to Independence Avenue, east on Independence Avenue to 12th Street, north on 12th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to terminal.

**OUTBOUND:** From terminal on Pennsylvania Avenue, east on Pennsylvania Avenue to 10th Street, south on 10th Street to Constitution Avenue, west on Constitution Avenue to 12th Street, south on 12th Street to C Street, Southwest, west on C Street to 14th Street, south on 14th Street and Highway Bridge to the District of Columbia Line.

[2]

Memorial Bridge Route

**INBOUND:** From the District of Columbia Line, over the Arlington Memorial Bridge, Lincoln Memorial Circle and 23rd Street to Constitution Avenue, east on Constitution Avenue to 12th Street, north on 12th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to terminal.

**OUTBOUND:** From terminal on Pennsylvania Avenue, east on Pennsylvania Avenue to 10th Street, south on 10th Street to Constitution Avenue, west on Constitution Avenue to 23rd Street, south on 23rd Street, Lincoln Memorial Circle and over the Arlington Memorial Bridge to the District of Columbia Line.

### Rush Hour Routes

A.M. Rush Hour: Over the inbound Memorial Bridge Route to the intersection of 14th Street and Constitution Avenue, south on 14th Street to C Street, thence over the outbound Highway Bridge Route.

P.M. Rush Hour: Over the inbound Memorial Bridge Route to the intersection of 12th Street and Constitution Avenue, south on 12th Street and over the outbound Highway Bridge Route.

Section 3. The following terminals be established:

East side of 12th Street, Northwest, beginning at the south curb of D Street and extending south 146 ft. Beginning again 193 ft. south of the south curb of D Street and extending south 120 ft.

South side of Pennsylvania Avenue, Northwest, in front of the Old Post Office Building, east of 12th Street, as per plan of the District of Columbia Highway Department.

West side of 10th Street, Northwest, beginning 104 ft. south of the south curb of Pennsylvania Avenue and extending south 138 ft.

[3] Section 4. The authority contained herein shall be applicable to the operation of Class B busses only, as defined in the Commission's Order No. 936.

Section 5. The following stops and zones be established:

INBOUND:    On 14th Street, Southwest,  
                   Opposite the Jefferson Memorial  
                   East side, south of C Street.

On Independence Avenue, Southwest,  
                   South side, bus zone extending 310 ft.  
                   east of the east curb of 14th Street.

On 12th Street, Northwest,  
                   East side, south of Jefferson Drive, 2-bus.  
                   ~~East~~ West side, north of Constitution Avenue,  
                   2-bus.

On Constitution Avenue,  
South side, beginning 98 ft. east of east  
curb of 14th Street and extending east  
138 ft.

Terminal.

OUTBOUND: On 12th Street, Northwest,  
West side, south of Constitution Avenue.  
West side, north of Jefferson Drive, 2-bus.

On C Street, Southwest,  
North side, east of west curb of 13th  
Street extended, 2-bus.

On 14th Street, Southwest,  
West side, north of D Street extended  
In front of the Jefferson Memorial.

On Constitution Avenue,  
North side, beginning 250 ft. west of  
west curb of 12th Street and extending  
west 154 ft.  
North side, beginning 86 ft. west of west  
curb of 14th Street and extending west  
138 ft.

[4] Section 6. Busses shall not be stopped for the purpose of receiving passengers on inbound trips or of discharging passengers on outbound trips, except at the stops at the Jefferson Memorial.

Section 7. The fare for passengers using busses under the authorization contained in Section 6 hereof shall be ten cents (10¢)

Section 8. The Company shall file with the Commission a copy of all schedules in force in the District of Columbia, and shall notify the Commission at least forty-eight (48) hours in advance of any change in schedules.

Section 9. Busses operated on these lines shall not deviate from the routes hereinbefore described, except when required by street work, fire, or other emergency. Where deviation is necessary, busses

shall be operated over such routes as may be directed by detour signs, police instructions or orders of the Commission.

Section 10. This order become effective Thursday, February 25, 1943.

A TRUE COPY:

By the Commission:

/s/ N. H. Hetzel  
Chief Clerk.

E. J. MILLIGAN  
Executive Secretary.  
February 24, 1943

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

C. W. KUTZ  
Chairman of the Joint Board.

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Order No. 3198

[Exhibit 86, cont'd]

May 6, 1947

IN THE MATTER OF

Operation of busses by the ALEXANDRIA  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

P.U.C. No. 2097/2.

AMENDING ORDER NO. 2507

By letter of April 15, 1947, the Alexandria, Barcroft and Washington Transit Company requested an additional bus terminal on the west side of 12th Street, Northwest, south of Pennsylvania Avenue, and an additional route to enable it to utilize this proposed terminal. These additional facilities are requested in order to relieve the congestion at its existing terminal and to improve traffic conditions by reducing the number of busses making left turns at Constitution Avenue and 12th Street, Northwest, and at Independence Avenue and 12th Street, Northwest.

The Commission is of the opinion that the additional route and terminal are in the public interest. Therefore,  
IT IS ORDERED:

Section 1. That Section 2 of Order No. 2507 be amended by the addition of the following:

Alternate Highway Bridge Route

INBOUND: From the regular inbound route at 14th Street and Independence Avenue, Northwest, north on 14th Street to E Street, east on E Street and Pennsylvania Avenue to 12th Street, Northwest, south on 12th Street to terminal south of Pennsylvania Avenue.

OUTBOUND: From the terminal on the west side of 12th Street, Northwest, south on 12th Street to Constitution Avenue, thence over the regular outbound Highway Bridge Route.

Section 2. That section 3 of Order No. 2507, establishing certain terminals, be amended by adding thereto the following:

West side of 12th Street, Northwest, beginning 242 feet south of the south curb of Pennsylvania Avenue and extending *south* 290 feet.

Section 3. That Section 5 of Order No. 2507, as amended, pertaining to stops, be further amended by adding thereto the following:

On 14th Street, Southwest,  
East side, south of Adams Drive.

On 14th Street, Northwest,  
East side, 80 feet south of south curb of driveway to Department of Labor underground parking garage.

On E Street, Northwest,  
South side, east of 13-1/2 Street.



Section 4. That this order become effective May 10, 1947.

A TRUE COPY:

By the Commission:

/s/ N. H. Hetzel  
Chief Clerk.

E. J. MILLIGAN  
Executive Secretary.  
May 6, 1947

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
Chairman of the Joint Board.

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Order No. 3897

[Exhibit 86, cont'd]

December 31, 1947.

IN THE MATTER OF

Operation of busses by the ALEXANDRIA  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

P.U.C. No. 2097/2.

AMENDING ORDERS NOS. <sup>2507</sup>~~2307~~ AND 3198

By letter dated December 10, 1947, the Alexandria, Barcroft and Washington Transit Company requested authority for a change in route for a thirty day trial period of its inbound busses between 14th and C Streets and 12th Street and Independence Avenue, Southwest. The present route is north on 14th Street to Independence Avenue, east on Independence Avenue to 12th Street and thence north on 12th Street. The new route requested is east on C Street, Southwest, from 14th Street to 12th Street and thence north on 12th Street. This change would place the left turning movement at 12th and C Streets instead of at 12th Street and Independence Avenue, and it is believed would result in a safer and more practical operation.

It is the opinion of the Commission that the proposed change is in the public interest. Therefore,  
IT IS ORDERED:

Section 1. That Section 2 of Order No. 2507 be amended by changing the first paragraph of the description of Highway Bridge Route to read as follows:

INBOUND: From the District of Columbia Line, north on Highway Bridge and 14th Street to C Street, Southwest, east on C Street to 12th Street, Southwest, north on 12th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to terminal.

Section 2. That Section 1 of Order No. 3198 be amended by changing the description of the first paragraph of alternate Highway Bridge Route to read as follows:

INBOUND: From the regular inbound route at 14th and C Streets, Southwest, north on 14th Street to N Street, east on E Street and Pennsylvania Avenue to 12th Street, Northwest, south on 12th Street to terminal south of Pennsylvania Avenue.

Section 3. That Section 5 of Order No. 2507 be amended by abolishing and establishing the following bus stops and zones:

INBOUND:

#### ABOLISH

On Independence Avenue, Southwest,  
South side, bus zone extending 310 feet  
east of the east curb of 14th Street.

#### ESTABLISH

On 12th Street, Southwest,  
East side, south of Virginia Avenue —  
stop and 2-bus zone.

Section 4. That this order become effective January 4, 1948, and remain in effect until further order of this Commission.

A TRUE COPY:

By the Commission:

[Illegible Signature]  
Acting Chief Clerk

E. J. MILLIGAN  
Executive Secretary.

December 31, 1947.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
Chairman of the Joint Board.

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Order No. 4224

[Exhibit 86, cont'd]

October 7, 1955

IN THE MATTER OF

Operation of busses by the ALEXANDRIA,  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

P.U.C. No. 2097/2.

By letter of September 16, 1955, the Alexandria, Barcroft and Washington Transit Company, hereinafter referred to as the Company, informed this Commission that the Motor Vehicle Parking Agency of the District of Columbia plans to open its free "fringe" parking lot on Columbia Island adjacent to the power-boat marina about the middle of October, and that the Company has agreed to institute a limited amount of shuttle bus service for a 30-day trial period, provided this Commission approves the operation as proposed.

The parking lot is located near the Mt. Vernon Memorial Highway, between 14th Street Highway Bridge and Memorial Bridge, and the Company is now, and has been for a number of years, operating inter-

state bus service over this Highway. The service proposed for the parking lot would be operated over the same routes and use the same bus stops as are currently approved for the Company in the District of Columbia, except that stops would be needed in each direction on the Memorial Highway at the entrance to the parking lot. These stops would make it possible for the regular Memorial Highway — Memorial Bridge service now being operated to be used by the parkers.

The staff of the Commission has conferred with representatives of the Motor Vehicle Parking Agency and the Company regarding this matter, and it is understood that the proposal is for the parking lot to be served by regular service now operating on Memorial Highway, and that the regular service would be supplemented by shuttle bus service in the rush periods consisting of trips starting at the parking lot in the morning rush period and ending at the parking lot in the afternoon rush period.

The fare proposed for a ride between the parking lot and other points in the District of Columbia is 20 cents cash.

The purpose of providing "fringe" parking facilities and the proposed bus service is to help to decrease traffic congestion in the downtown area, and the Commission is of the opinion that the proposed operation of busses serving the parking lot should be authorized. Therefore,

IT IS ORDERED,

Section 1. That the Alexandria, Barcroft and Washington Transit Company is hereby authorized to operate bus service over the following routes within the District of Columbia:

INBOUND: From the "fringe" parking lot on Columbia Island northerly to Mt. Vernon Memorial Highway, westerly on said Memorial Highway to Memorial Bridge, northerly on Memorial Bridge, Lincoln Memorial Circle and 23rd Street to Constitution Avenue, east on Constitution Avenue to 15th Street, Northwest, south on 15th Street, to

Madison Drive, east on Madison Drive to 14th Street, north on 14th Street to E Street, east on E Street and Pennsylvania Avenue to 12th Street, south on 12th Street to C Street, Southwest, west on C Street to 14th Street, and south on 14th Street to bus stop north of D Street.

OUTBOUND: From the bus stop on the east side of 14th Street south of C Street, Southwest, north on 14th Street to E Street, Northwest, east on E Street and Pennsylvania Avenue to 12th Street, south on 12th Street to Constitution Avenue, west on Constitution Avenue to 23rd Street, southerly on 23rd Street, Lincoln Memorial Circle, Memorial Bridge and the road leading Mount Vernon Memorial Highway, easterly on said Memorial Highway to the parking lot entrance, and thence to the parking lot.

Section 2. That, subject to approval by the office of National Capital Parks, the following bus stops be established:

On Mt. Vernon Memorial Highway

North side, at the entrance to the "fringe" parking lot.

South side, at the entrance to the "fringe" parking lot.

Section 3. That no passenger be permitted to board at inbound stops except at the parking lot and at the stop on Memorial Highway at the entrance to the parking lot, and that no passenger be permitted to alight at outbound stops except at the parking lot and at the stop on Memorial Highway at the entrance to the parking lot.

Section 4. That the fare for inbound passengers boarding at the parking lot or entrance to the lot and for outbound passengers alighting at the parking lot or entrance to the lot shall be 20 cents cash per passenger.

Section 5. That busses operated under the authority granted herein shall not deviate from the routes hereinbefore described, except when required by street work, fire or other emergency. Where devia-



tion is necessary, busses shall be operated over such routes as may be directed by detour signs, police instructions or orders of the Commission.

Section 6. That this order become effective when the "fringe" parking lot is opened for use and remain in effect until further order of this Commission.

A TRUE COPY:

Chief Clerk

By the Commission:

E. J. MILLIGAN  
Executive Secretary

October 10, 1955

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

T. A. LANE  
Chairman of the Joint Board.

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Order No. 4305

[Exhibit 86, cont'd]

August 17, 1956

IN THE MATTER OF

Operation of busses by ALEXANDRIA,  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

P.U.C. No. 2097/2

AMENDING ORDER NO. 3198

IT IS ORDERED:

Section 1. That Section 2 of Order No. 3198 be amended by changing the description of the bus terminal stand on the west side of 12th Street, Northwest, south of Pennsylvania Avenue, to read as follows:

West side of 12th Street, Northwest, beginning  
255 feet south of the south curb line of Pennsylvania  
Avenue and extending south 275 feet.

Section 2. That this order become effective immediately.

A TRUE COPY:

Chief Clerk

By the Commission

E. J. MILLIGAN  
Executive Secretary

August 17, 1956

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

T. A. LANE  
Brig. Gen., U.S.A.  
Chairman of the Joint Board

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Order No. 4622

[Exhibit 86, cont'd]

February 8, 1960

IN THE MATTER OF

Operation of busses by the ALEXANDRIA,  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia.

P.U.C. No. 2097/2

AMENDING ORDER NO. 2507

Due to the closing of 12th Street, N.W. and S.W., south of Constitution Avenue for street reconstruction work, it is necessary to change the outbound bus route of the Alexandria, Barcroft and Washington Transit Company between the intersection of 10th Street and Pennsylvania Avenue, N.W., and the intersection of 12th and C Streets, S.W. Therefore,

IT IS ORDERED:

Section 1. That Section 2 of Order No. 2507, dealing with Highway Bridge Route, be amended by changing the outbound route description to read as follows:

OUTBOUND: From the terminal on the south side of Pennsylvania Avenue east of 12th Street, N.W., east on Pennsylvania Avenue to 7th Street, south on 7th Street to C Street, S.W., west on C Street to 14th Street, and south on 14th Street and Highway Bridge to the District of Columbia Line.

Section 2. That the following bus stops and zones be abolished:

On 12th Street, Northwest and Southwest

West side, south of Constitution Avenue, stop.

West side, north of Jefferson Drive, stop and 2-bus zone.

West side, north of C Street, stop and 2-bus zone.

Section 3. That the following bus stops and zones be established:

On Pennsylvania Avenue, Northwest

South side, beginning 30 feet east of the east curb line of 9th Street and extending east 125 feet, stop and 3-bus zone.

On 7th Street, Northwest

West side, south of Constitution Avenue, stop and 3-bus zone extending 160 feet.

On 7th Street, Southwest

West side, beginning 49 feet north of the north curb line of C Street and extending north 165 feet, stop and 2-bus zone.

On C Street, Southwest

North side, east of 12th Street, stop and 2-bus zone.

On 14th Street, Northwest

West side, north of Washington Drive extended, stop.

Section 4. That this order become effective immediately.

A TRUE COPY:

Chief Clerk

By the Commission:

NORMAN B. BELT  
Executive Secretary

February 8, 1960

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

A. C. WELLING  
Brig. Gen., U.S.A.  
Chairman of the Joint Board

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Order No. 4677

[Exhibit 86, cont'd]

August 18, 1960

IN THE MATTER OF

Operation of busses by the ALEXANDRIA,  
BARCROFT AND WASHINGTON TRANSIT  
COMPANY within the District of Columbia

P.U.C. No. 2097/2

AMENDING ORDER NO. 3198

Street construction work on 12th Street, N.W. and S.W., has made it necessary to discontinue routing of busses southbound on 12th Street between Constitution Avenue and C Street, S.W., and a detour route via Constitution Avenue, 9th Street and C Street, S.W., has been in use in lieu of the 12th Street route. Operations on this detour route have resulted in unsatisfactory traffic conditions at 9th and C Streets, S. W., and it appears to be desirable to substitute a route via Constitution Avenue, 7th Street, N. W. and S. W., and C Street, S. W.

Therefore,

IT IS ORDERED:

Section 1. That Section 1 of Order No. 3198 be amended by changing the description of the outbound route to read as follows:

OUTBOUND: From the terminal on the west side of 12th Street, Northwest, south on 12th Street to Constitution Avenue, east on Constitution Avenue to 7th Street, south on 7th Street to C Street, Southwest, west on C Street to 14th Street, and south on 14th Street and the Highway Bridge to the District of Columbia Line.

Section 2. That this order become effective immediately.

A TRUE COPY:

Chief Clerk

By the Commission:

NORMAN B. BELT  
Executive Secretary

August 18, 1960

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

F. J. CLARKE, Col.  
Corps of Engineers, U.S.A.  
Chairman of the Joint Board

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PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Order No. 1213

[Exhibit 87]

December 14, 1933

IN THE MATTER OF

Operation of busses by the WASHINGTON,  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of Columbia.

P.U.C. No. 2097/36.

CANCELLING ORDERS NOS. 1105, 1132 AND 1170

By the Commission: The Commission, by Order No. 1105, authorized the Washington, Marlboro and Annapolis Motor Lines, Inc., to operate busses along Central Avenue in addition to its regular routes entering the District of Columbia at Alabama Avenue and Suitland Road. Section 5 of that order authorized the company to transport intra-District



strict passengers on Central Avenue east of Benning Road for an indefinite experimental period. By application dated December 11, 1933, the company requested authority to abandon the Central Avenue route and to operate that service by way of Alabama Avenue, stating that an average of less than one intra-District passenger per bus was being carried on each round trip within the District of Columbia, and that routing of busses by way of Alabama Avenue will provide better service to the Maryland passengers. In view of the statements made by the company and the facts that the service rendered is primarily interstate and the Alabama Avenue route is shorter by approximately two miles than the Central Avenue route, the Commission is of the opinion that the application should be granted. It is, accordingly,

ORDERED:

- (1) That Orders Nos. 1105, 1132 and 1170 be cancelled.
- (2) That the Washington, Marlboro and Annapolis Motor Lines, Inc., be authorized to operate busses over the following route<sup>s</sup> within the District of Columbia:

District Line at Alabama Avenue

INBOUND: Along Alabama Avenue to Pennsylvania Avenue, west on Pennsylvania Avenue to 1st Street, Southeast, north on 1st Street to B Street, Northeast, west on B Street, Constitution Avenue, and Pennsylvania Avenue to 11th Street, north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 6th Street, south on 6th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to 1st Street, Northwest, south on 1st Street to the south roadway of the Capitol Grounds, east on said roadway, B Street, and Pennsylvania Avenue to Alabama Avenue, along Alabama Avenue to the District Line.

District Line at Suitland Road

INBOUND: Along Suitland Road to 38th Street, north on 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue

to 1st Street, Southeast, north on 1st Street to B Street, Northeast, west on B Street, Constitution Avenue, and Pennsylvania Avenue to 11th Street, north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 6th Street, south on 6th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to 1st Street, Northwest, south on 1st Street to the south roadway of the Capitol Grounds, east on said roadway, B Street, and Pennsylvania Avenue to 38th Street, south on 38th Street to Suitland Road, along Suitland Road to the District Line.

(3) That a terminal for the Washington, Marlboro and Annapolis Motor Lines, Inc., be established on the east side of 11th Street, Northwest, beginning 62 ft. north of the north curb line of Pennsylvania Avenue, and extending north 88 ft., to accommodate three (3) vehicles.

(4) That westbound busses of this company shall not stop for the receipt of passengers west of Minnesota Avenue, nor shall eastbound busses stop for the discharge of passengers west of Minnesota Avenue.

(5) That the company shall file with the Commission a copy of all schedules in force in the District of Columbia and shall obtain authority from the Commission in advance of any change in schedules.

(6) That busses operated by this company shall not deviate from the routes hereinbefore described except when required by street work, fire, or other emergency. Where deviation is necessary, busses shall be operated over such routes as may be directed by detour signs, police instructions, or orders from the Commission.

(7) That this order shall take effect December 20, 1933.

A TRUE COPY:

Executive Secretary.

By the Commission

JAMES L. MARTIN  
Executive Secretary.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

JOHN C. GOTWALS  
Chairman of the Joint Board.

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Order No. 1836

[Exhibit 87, cont'd]

November 16, 1939.

IN THE MATTER OF

Operation of busses by the WASHINGTON  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of Columbia.

P.U.C. No. 2097/36.

AMENDING ORDERS NOS. 1213 AND 1419.

By the Commission: By letter dated October 17, 1939, the Washington, Marlboro and Annapolis Motor Lines, Inc. requested approval of a route within the District of Columbia in connection with interstate bus service entering and leaving the District of Columbia at Branch and Eastern Avenues authorized by the Interstate Commerce Commission in No. MC-3677 (Sub-No. 2). The company also requested authority to receive and discharge intra-District passengers between the intersection of 36th Street and Alabama Avenue and the intersection of Pennsylvania and Minnesota Avenues. The Commission is of the opinion that intra-District rights should not exceed those permitted the company on existing routes.

IT IS ORDERED:

Section 1. That Section 2 of Order No. 1213 as amended by Order No. 1419 be and it is amended by the addition of the following:

District Line at Branch Avenue

INBOUND: Via Branch Avenue, Alabama Avenue and 38th Street to  
Pennsylvania Avenue, west on Pennsylvania Avenue to

1st Street, Southeast, north on 1st Street to Constitution Avenue, west on Constitution Avenue and Pennsylvania Avenue to 11th Street, north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 8th Street, south on 8th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to 1st Street, Northwest, south on 1st Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to 38th Street, via 38th Street, Alabama Avenue and Branch Avenue to the District Line.

Section 2. That westbound busses of this company on the route described in Section 1 hereof shall not stop for the receipt of passengers south of the intersection of 38th Street and Alabama Avenue and west of Minnesota Avenue, nor shall eastbound busses stop for the discharge of passengers west of Minnesota Avenue and south of the intersection of 38th Street and Alabama Avenue.

Section 3. That this order take effect November 20, 1939.

A TRUE COPY:

Executive Secretary

By the Commission:

JAMES L. MARTIN,  
Executive Secretary.

November 18, 1939.

In accordance with the provisions of the Act of Congress approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

D. McCOACH, JR.  
Chairman of the Joint Board.

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Order No. 1999

[Exhibit 87, cont'd]

January 29, 1941

## IN THE MATTER OF

Transportation service of the CAPITAL  
TRANSIT COMPANY and the WASHINGTON  
MARLBORO AND ANNAPOLIS MOTOR LINES,  
INC. in the area east of the Anacostia River  
and between Ridge Road and Good Hope Road,  
and adjacent area.

P.U.C. No. 3190,  
Formal Case  
No. 291.

## CANCELING ORDERS NOS. 1213, 1419 AND 1836

By the Commission: On December 6, 1940, the Commission issued <sup>the</sup> Order No. 1972, wherein the Capital Transit Company (hereinafter referred to as the "Capital Company") and the Washington, Marlboro and Annapolis Motor Lines, Inc. (hereinafter referred to as the "Motor Lines") were required to establish an inter-line transfer arrangement. On December 16, 1940, the Capital Company and the Motor Lines (hereinafter collectively referred to as the "companies") filed petitions for reconsideration.

By Order No. 1986, dated December 23, 1940, the Commission pursuant to Paragraph 64 of the Law creating the Public Utilities Commission, as amended, elected to reconsider Order No. 1972 without further hearing.

On January 21, 1941, while Order No. 1972 was still being reconsidered, the companies filed a joint stipulation and on the basis set forth therein agreed to an inter-line transfer arrangement for an experimental period of six (6) months.

The plan proposed by the companies is based generally upon the provisions of Order No. 1972. Essentially it contemplates the creation by the Motor Lines of a local service operating from a loop in Bradbury Heights, D.C. via Alabama and Pennsylvania Avenues to the Capital Company's terminal at Commodore Barney Circle. Inter-line tic-



kets would be issued to patrons of this line upon payment of 2 cents, which would be accepted for ride on the Capital Company's lines (under specified conditions) and, similarly, patrons of the Capital Company's lines who pay either the 10 cents cash or 8-1/3 cents token fare would be issued, upon payment of 2 cents, an inter-line ticket which would be accepted for ride on the Motor Lines local service only (under similar specified conditions.) The conditions referred to are designed to preclude the use of the inter-line ticket where a continuous ride is possible over the facilities of either company, without use of the inter-line ticket.

In addition, the present express service of the Motor Lines would continue as at present, the rate of fare continuing at 10 cents without transfer privilege between it and other Motor Lines and Capital Company Lines.

The Commission, after careful consideration of the plan, is of the opinion that it is in the public interest to accept such an arrangement for an experimental period of six (6) months. As stated in Order No. 1972, the number of persons who will avail themselves of transfer privileges is not ascertainable from the record, and only by actual experience can the mechanics of the operation be perfected. When the experimental period is concluded sufficient data should be available to permit of a permanent solution to the problem. Therefore,

**IT IS ORDERED:**

Section 1. That the stipulation filed jointly by the Capital Transit Company and the Washington, Marlboro and Annapolis Motor Lines, Inc. be and the same is hereby made a part of the record in Formal Case No. 291.

Section 2. That the reconsideration of Order No. 1972, and Formal Case No. 291 be and the same hereby are indefinitely suspended.

Section 3. That the Washington, Marlboro and Annapolis Motor Lines, Inc. be and it is hereby authorized and directed to operate the following service:

A. LOCAL SERVICE.

Local service over the routes defined by Section 4 — (a) hereof at intervals of not more than 30 minutes in each direction during the base day at the rates of fare prescribed by Section 6 — (a-2) hereof.

B. EXPRESS SERVICE.

Express service over the route defined by Section 4 -(b)(1) hereof at intervals of not more than 30 minutes in each direction during the base day at the rates of fare prescribed in Section 6 — (a-1) hereof.

Section 4. Washington, Marlboro and Annapolis Motor Lines, Inc. routes:

A. LOCAL ROUTE.

INBOUND: From intersection of Benning and Hillside Roads, west on Hillside Road to Alabama Avenue, south on Alabama Avenue to Ridge Road, east on Ridge Road to Bowen Road, south on Bowen Road and Alabama Avenue to 38th Street, north on 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to Capital Transit Company terminal at Commodore Barney Circle.

OUTBOUND: From Capital Transit Company terminal at Commodore Barney Circle, east on Pennsylvania Avenue to 38th Street, south on 38th Street to Alabama Avenue, north on Alabama Avenue and Bowen Road to Southern Avenue, east on Southern Avenue to Benning Road, north on Benning Road to Hillside Road.

B. EXPRESS ROUTES.

1. Seat Pleasant Line.

INBOUND: South on Bowen Road and Alabama Avenue to 38th Street, north on 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to 1st Street, Southeast, north on 1st Street to Constitution Avenue, west on Constitution and Pennsylvania Avenues to 11th Street, north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 8th Street, south on 8th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to 1st Street, Northwest, south on 1st Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to 38th Street, south on 38th Street to Alabama Avenue, along Alabama Avenue and Bowen Road to the District Line.

## 2. Suitland Line.

INBOUND: Along Suitland Road to 38th Street, north on 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to 1st Street, Southeast, north on 1st Street to Constitution Avenue, west on Constitution and Pennsylvania Avenues to 11th Street, north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 8th Street, south on 8th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to 1st Street, Northwest, south on 1st Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to 38th Street, south on 38th Street to Suitland Road, along Suitland Road to the District Line.

## 3. Silver Hill Line.

INBOUND: Along Branch Avenue, Alabama Avenue and 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to 1st Street, Southeast, north on 1st Street to Constitution Avenue, west on Constitution and Pennsylvania Avenues to 11th Street, north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 8th Street, south on 8th Street to Pennsylvania Avenue, east on Pennsylvania Avenue to 1st Street, Northwest, south on 1st Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to 38th Street, along 38th Street, Alabama Avenue and Branch Avenue to the District Line.

4. Alternate Route for Turnback  
Service on Suitland and Silver  
Hill Lines.

**INBOUND:** Over regular routes to 38th Street and Pennsylvania Avenue, Southeast.

**OUTBOUND:** From intersection of 38th Street and Pennsylvania Avenue, Southeast, east on Pennsylvania Avenue to Alabama Avenue, south on Alabama Avenue to 38th Street, south on 38th Street, thence over regular routes.

**C. LIMITATION ON PICK-UP AND DISCHARGE.**

Westbound buses on the express routes prescribed by Section 4 (b) (1) and Section 4 (b) (2) hereof shall not stop for the receipt of passengers west of Minnesota Avenue, nor shall eastbound buses of the same routes stop for the discharge of passengers west of Minnesota Avenue; nor shall westbound buses on the routes established by Section 4 (b) (3) hereof stop for the receipt of passengers south of the intersection of 38th Street and Alabama Avenue and west of Minnesota Avenue nor shall eastbound buses of that route stop for the discharge of passengers west of Minnesota Avenue and south of the intersection of 38th Street and Alabama Avenue.

D. That buses operated by this company shall not deviate from the routes hereinbefore described except when required by street work, fire, or other emergency. When deviation is necessary buses shall be operated over such routes as may be directed by detour signs, police instructions, or orders from the Commission.

Section 5. That an inter-line transfer arrangement between the Capital Transit Company and the Washington, Marlboro and Annapolis Motor Lines, Inc. be established as follows:

A. Transfer from Washington, Marlboro and Annapolis Motor Lines, Inc. to Capital Transit Company.

That passengers on the westbound local route only of the Washington, Marlboro and Annapolis Motor Lines, Inc. shall upon payment of the rate of fare prescribed by Section 6 (a) (3) hereof be issued an interline ticket good for ride upon facilities of the Capital Transit Company with privilege of further transfer provided that such inter-line tickets will be accepted by the Capital Transit Company only at the transfer points established by Section 5 (c) hereof, and provided further, that such tickets will be accepted only on Capital Transit Company lines outbound from Commodore Barney Circle.

B. Transfer from Capital Transit Company to Washington, Marlboro Annapolis Motor Lines, Inc.

That passengers on Capital Transit Company lines shall upon payment of the rate of fare prescribed by section 6 (b) hereof be issued an inter-line ticket good for ride on the eastbound local route only of the Washington, Marlboro and Annapolis Motor Lines, Inc. provided that such inter-line tickets will be accepted by the Washington, Marlboro and Annapolis Motor Lines, Inc. only at the points established by Section 5 (c) hereof, and, provided further, that such tickets will be issued by and accepted from only those Capital Transit Company lines inbound to Commodore Barney Circle.

C. That the following transfer points be established:

1. Capital Transit Company terminal at Commodore Barney Circle.
2. Intersection of Minnesota and Pennsylvania Avenues, Southeast.
3. Intersection of Pennsylvania and Branch Avenues, Southeast.

Section 6. Rates of Fare.

- A. That the Washington, Marlboro and Annapolis Motor Lines, Inc. be



and it is hereby authorized and directed to charge the following rates of fare:

1. Express.

On express lines, 10 cents cash without transfer privileges.

2. Local.

On local line, 10 cents cash, or tokens or tickets sold at the rate of 6 for 50 cents.

3. Inter-line Tickets.

Inter-line ticket to be issued to any passenger on the westbound local route who has paid the rate of fare prescribed by Section 6 (a-2) hereof only upon payment of an additional 2 cents.

B. That the Capital Transit Company be and it is hereby authorized and directed to issue upon payment of 2 cents by patron who has paid either the 10 cents cash or 8-1/3 cent token fare an inter-line ticket good for fare only on eastbound local route of the Washington, Marlboro and Annapolis Motor Lines, Inc. at transfer points established by Section 5(c) hereof.

Section 7. That the following terminals for the Washington, Marlboro and Annapolis Motor Lines, Inc. be established:

On the east side of 11th Street, Northwest, beginning 62 ft. north of north curb line of Pennsylvania Avenue and extending north 88 ft. to accommodate 3 vehicles.

On the east side of 38th Street, Southeast, beginning 50 ft. south of south curb line of Pennsylvania Avenue and extending south 100 ft. to accommodate 2 vehicles.

Section 8. That Orders Nos. 1213, 1419 and 1836 be and the same hereby are canceled.

Section 9. That this order take effect on Monday, February 24, 1941, and remain in effect for six (6) months thereafter, unless earlier terminated by order of the Commission.

A TRUE COPY:

Chief Clerk

By the Commission:

A. W. CROSSLEY  
Executive Secretary.

January 29, 1941.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

D. McCOACH, JR.  
Chairman of the Joint Board.

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Order No. 2301

[Exhibit 87, cont'd]

May 29, 1942.

AMENDING ORDER NO. 1999.

By the Commission: The Commission has considered the congestion on Pennsylvania Avenue due to heavy traffic and due to turns of busses operating into and out of Pennsylvania Avenue, and has had its attention called to the operation of the Washington, Marlboro and Annapolis Motor Lines, Inc., the outbound route of which, at present, is south on 8th Street and thence by left turn to east on Pennsylvania Avenue.

The Washington, Marlboro and Annapolis Motor Lines, Inc. has requested better loading facilities for their patrons who come from the buildings in the Southwest Federal Mall than can be afforded at the intersection of 1st Street and Independence Avenue, Southwest.

In the opinion of the Commission, the change in route and stops on the outbound trips of the Washington, Marlboro and Annapolis Motor Lines, Inc. will accomplish the desired results and such change is in the public interest.

## IT IS ORDERED THAT:

Section 1. The outbound route of the Washington, Marlboro and Annapolis Motor Lines, Inc. set forth in Section 4, B. 1. Seat Pleasant Line, B. 2. Suitland Line, and B. 3. Silver Hill Line, be changed between the intersections of E Street and 8th Street, Northwest, and 1st Street and Independence Avenue, Southwest, to read as follows, for each of the said named outbound routes:

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Adams Drive, east on Adams Drive to 2nd Street, south on 2nd Street to Maryland Avenue, east on Maryland Avenue to 1st Street, Southwest, south on 1st Street to Independence Avenue, thence east over the respective routes as set forth in Section 4, B. 1, B. 2. and B. 3., of Order No. 1999.

Section 2. This order take effect on Sunday, June 7, 1942.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary.

June 1, 1942.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

C. W. KUTZ  
Chairman of the Joint Board.

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A TRUE COPY:

Chief Clerk

By the Commission:

A. W. CROSSLEY  
Executive Secretary.

January 29, 1941.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

D. McCOACH, JR.  
Chairman of the Joint Board.

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Order No. 2301

[Exhibit 87, cont'd]

May 29, 1942.

AMENDING ORDER NO. 1999.

By the Commission: The Commission has considered the congestion on Pennsylvania Avenue due to heavy traffic and due to turns of busses operating into and out of Pennsylvania Avenue, and has had its attention called to the operation of the Washington, Marlboro and Annapolis Motor Lines, Inc., the outbound route of which, at present, is south on 8th Street and thence by left turn to east on Pennsylvania Avenue.

The Washington, Marlboro and Annapolis Motor Lines, Inc. has requested better loading facilities for their patrons who come from the buildings in the Southwest Federal Mall than can be afforded at the intersection of 1st Street and Independence Avenue, Southwest.

In the opinion of the Commission, the change in route and stops on the outbound trips of the Washington, Marlboro and Annapolis Motor Lines, Inc. will accomplish the desired results and such change is in the public interest.

## IT IS ORDERED THAT:

Section 1. The outbound route of the Washington, Marlboro and Annapolis Motor Lines, Inc. set forth in Section 4, B. 1. Seat Pleasant Line, B. 2. Suitland Line, and B. 3. Silver Hill Line, be changed between the intersections of E Street and 8th Street, Northwest, and 1st Street and Independence Avenue, Southwest, to read as follows, for each of the said named outbound routes:

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Adams Drive, east on Adams Drive to 2nd Street, south on 2nd Street to Maryland Avenue, east on Maryland Avenue to 1st Street, Southwest, south on 1st Street to Independence Avenue, thence east over the respective routes as set forth in Section 4, B. 1, B. 2. and B. 3., of Order No. 1999.

Section 2. This order take effect on Sunday, June 7, 1942.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN

Executive Secretary.

June 1, 1942.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

C. W. KUTZ

Chairman of the Joint Board.

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[Exhibit 87, cont'd]

Order No. 2744.

March 21, 1944.

## IN THE MATTER OF

Operation of busses by the WASHINGTON, MARLBORO AND ANNAPOLIS MOTOR LINES, INC. within the District of Columbia.

P.U.C. No. 2097/36.

## FURTHER AMENDING ORDER NO. 1999.

The Washington, Marlboro and Annapolis Motor Lines, Inc., by letter dated March 9, 1944, requested permission to reroute its west-bound busses to operate north on 2nd Street, Southeast and Northeast, and west on B Street, Northeast, to Constitution Avenue, and thence over its existing route. This change will eliminate the left turn traffic hazard on the present route at 1st and B Streets, Northeast, and is, in the opinion of the Commission, in the public interest.

## IT IS ORDERED THAT:

Section 1. Section 4-B of Order No. 1999, covering the inbound express routes of the Seat Pleasant, Suitland and Silver Hill Lines of the Washington, Marlboro and Annapolis Motor Lines, Inc., be and the same is hereby amended so their busses will operate over the following routes:

1. Seat Pleasant Line.

INBOUND: South on Bowen Road and Alabama Avenue to 38th Street, north on 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to 2nd Street, Southeast, north on 2nd Street to B Street, west on B Street and Constitution and Pennsylvania Avenues to 11th Street, north on 11th Street to terminal.

2. Suitland Line.

INBOUND: Along Suitland Road to 38th Street, north on 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to

2nd Street, Southeast, north on 2nd Street to B Street, west on B Street and Constitution and Pennsylvania Avenues to 11th Street, north on 11th Street to terminal.

3. Silver Hill Line.

INBOUND: Along Branch Avenue, Alabama Avenue and 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to 2nd Street, Southeast, north on 2nd Street to B Street, west on B Street and Constitution and Pennsylvania Avenues to 11th Street, north on 11th Street to terminal.

Section 2. This order become effective immediately.

A TRUE COPY:

Chief Clerk

By the Commission:

E. J. MILLIGAN  
Executive Secretary.

April 6, 1944.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

C. W. KUTZ  
Chairman of the Joint Board.

[Exhibit 87, cont'd]

Order No. 3234

July 24, 1947

IN THE MATTER OF

Operation of the Seat Pleasant Bus Line  
of the WASHINGTON, MARLBORO AND  
ANNAPOLIS MOTOR LINES, INC., with-  
in the District of Columbia

P.U.C. No. 2097/36.

AMENDING ORDERS NOS. 1999, 2301, 2744 AND 2860.

The Washington, Marlboro and Annapolis Motor Lines, Inc., by letter dated April 22, 1947, requested permission to extend its Seat

Pleasant bus route loop at the end of the line so that the District of Columbia part can be via 63rd Street, between Eastern and Southern Avenues.

The Commission is of the opinion that the proposed loop route is in the public interest. Therefore,

**IT IS ORDERED:**

Section 1. That Section 4, B-1 of Order No. 1999, as amended by Orders Nos. 2301, 2744 and 2860, be and the same is hereby further amended to permit busses of the Washington, Marlboro and Annapolis Motor Lines, Inc., to operate over the following route:

From the District of Columbia Boundary Line at 63rd Street and Eastern Avenue, thence along 63rd Street, Northeast, to the District Line at 63rd Street and Southern Avenue.

No passenger stops shall be made on the above described route on 63rd Street, Northeast, within the District of Columbia.

Section 2. That this order take effect immediately.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary.

July 24, 1947

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

K. E. MADSEN  
Acting Chairman of the Joint Board.

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Order No. 3319.

[Exhibit 87, cont'd]

February 16, 1948.

## IN THE MATTER OF

Operation of busses by the WASHINGTON, P.U.C. No. 2097/36.  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of Columbia.

CANCELING ORDERS NOS. 2301 AND 2462 AND  
AMENDING ORDERS NOS. 1999, 2679 AND 2860.

By letter dated January 23, 1948, the Washington, Marlboro and Annapolis Motor Lines, Inc., requested a change in its eastbound route between the intersections of 3rd Street and Adams Drive, Southwest, and 1st Street and Independence Avenue, Southwest, in order to eliminate some of the turns now made on the existing route. The Commission is of the opinion that the proposed change of route is in the public interest.

In order to relieve traffic congestion at Commodore Barney Circle, the Coordinating Committee recommended and the Joint Board requested that changes be made in the locations of bus stops of the Washington, Marlboro and Annapolis Motor Lines, Inc. in the vicinity of the Circle. The changes requested will be made in this order.

By letter dated January 23, 1948, the Washington, Marlboro and Annapolis Motor Lines, Inc. requested the establishment of certain bus zones on 38th Street, Southeast, and on Alabama Avenue, Southeast, and the Coordinating Committee recommended that the requested zones be established. Therefore,

## IT IS ORDERED:

Section 1. That Order No. 2301 be canceled and Order No. 2860 be amended by striking out Section 2 thereof.

Section 2. That Section 4-B of Order No. 1999 be amended by changing the descriptions of the outbound routes to read as follows:

### 1. Seat Pleasant Line.

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to Alabama Avenue, northeast on Alabama Avenue and Bowen Road to the District of Columbia Line.

### 2. Suitland Line.

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to 38th Street, south on 38th Street to Suitland Road, along Suitland Road to the District of Columbia Line.

### 3. Silver Hill Line.

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Independence Avenue, east on Independence Avenue, B Street and Pennsylvania Avenue to 38th Street, along 38th Street, Alabama Avenue and Branch Avenue to the District of Columbia Line.

Section 3. That Order No. 2462 be canceled and the following described terminal stand be abolished:

On the westerly side of the outer roadway of Commodore Barney Circle and the southerly side of Water Street, Southeast, beginning 40 ft. south of the south curb of K Street and extending southerly along said outer roadway and easterly along Water Street to a point on the southerly curb thereof, opposite the most easterly curb of the park dividing the inner roadway of Commodore Barney Circle and Water Street.

Section 4. That Order No. 2679 be amended by abolishing the following bus stops and zones:



OUTBOUND: On Adams Drive, Southwest,  
South side, east of 3rd Street.

On Maryland Avenue, Southwest,  
South side, east of entrance to Botanical  
Garden, and 1-bus zone.

On Pennsylvania Avenue, Southeast,  
South side, west of 14th Street.

On Commodore Barney Circle,  
South side, 50 ft. east of intersecting curb  
of Commodore Barney Circle Roadway  
and Water Street.

On 38th Street, Southeast,  
West side, approximately <sup>700</sup>~~800~~ ft. south of  
Alabama Avenue at P.E.P.Co. Pole No.  
56005.

INBOUND: On Pennsylvania Avenue, Southeast,  
North side, west of Commodore Barney Circle,  
and 1-bus zone, beginning 120 ft. west of west  
curb of Circle and extending west 100 ft.  
North side, east of 14th Street.

Section 5. That bus stops and zones be established at the following locations:

On Independence Avenue, Southwest,  
South side, east of 2nd Street — stop.

On Pennsylvania Avenue, Southeast,  
North side, west of 15th Street — stop  
and 2-bus zone.  
South side, west of 15th Street — stop  
and 2-bus zone.  
North side, east of 13th Street — stop  
and 1-bus zone.  
South side, west of G Street — stop and  
1-bus zone.

On 38th Street, Southeast,  
 West side, north of W Street extended —  
 stop and 1-bus zone.  
 East side, south of W Street — stop and  
 1-bus zone.

Section 6. That Order No. 2679 be amended by establishing 1-bus zones at the following bus stops:

On Alabama Avenue, Southeast,  
 East side, south of R Street.  
 East side, south of Q Street.

Section 7. That this order become effective Sunday, February 22, 1948.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
 Executive Secretary.

February 18, 1948.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
 Chairman of the Joint Board.

Order No. 3443.

[Exhibit 87, cont'd]

November 12, 1948

## IN THE MATTER OF

Operation of busses by the WASHINGTON  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of Columbia.

P.U.C. No. 2097/36.

REVOKING ORDERS NOS. 2649, 2860 AND 2947  
AND AMENDING ORDER No. 1999.

By letter dated January 23, 1948, the Washington, Marlboro and Annapolis Motor Lines, Inc. requested authorization of a change of route of its bus line in the Bradbury Heights area. On February 18, 1948, the Commission held an informal hearing to consider the request, and at this hearing representatives of the Bradbury Heights Citizens Association opposed the change of route. After general discussion, the matter was held for further information and study.

Traffic counts were made by the Washington, Marlboro and Annapolis Motor Lines on February 20, 21, and 22, 1948, to obtain the number of patrons using the various stops in the area affected and these data were furnished to the Commission. Later, on August 4 and 5, 1948, said Motor Lines polled its patrons by means of postcard questionnaires to determine their wishes regarding the proposed route, and the results were forwarded to the Commission.

By letter dated September 27, 1948, the Washington, Marlboro and Annapolis Motor Lines amended its application of January 23 by requesting a more extensive change of route affecting both the Bradbury Heights area and the area further south. The changes requested in the amended application involve that part of the route northeast of the intersection of Pennsylvania and Alabama Avenues. From this point the present route is outbound via Alabama Avenue, Bowen Road, Ridge Road, Alabama Avenue, Hillside Road, 46th Street, Hanna Place and Benning Road, and returning inbound via Hillside Road, Alabama Ave-

nue, Ridge Road, Bowen Road and Alabama Avenue. The proposed route is outbound via Pennsylvania and Southern Avenues and Benning Road to Hillside Road, and returning inbound via Hillside Road, 46th Street, Hanna Place, Benning Road and Southern and Pennsylvania Avenues.

On October 19, 1948, an informal hearing was held by the Commission to consider the amended application for the change in route. At this hearing residents of the Bradbury Heights area in the District of Columbia appeared in opposition to the proposed abandonment of service on Ridge Road, Alabama Avenue north of Ridge Road and part of Hillside Road. It was pointed out by them that the proposed change in this vicinity would adversely affect most of the area bounded by Bowen Road, 45th Place, H Street and Fort Dupont Park.

Residents of the area in the District of Columbia near the intersection of Pennsylvania and Southern Avenues and near Southern Avenue on Ft. Dupont Street, 41st Place, 41st Street and 42nd Street appeared at the hearing in support of that part of the proposed route in their vicinity. The record shows that Southern Avenue has recently been paved and is now available for vehicular use. It also shows that the section of Alabama Avenue between Bowen Road and Pennsylvania Avenue is now served by both the Bradbury Heights local busses running to and from Barney Circle and the Seat Pleasant busses running between Seat Pleasant and 11th Street and Pennsylvania Avenue, Northwest, and that most of the residents of the area bounded by Pennsylvania, Southern, Massachusetts and Alabama Avenues would be more conveniently served by changing the route of the Bradbury Heights line in this vicinity so as to operate on Southern Avenue.

The Commission is of the opinion that the part of the proposed change of route which affects the area south of Bradbury Heights is in the public interest. It appears that the proposed change in the Bradbury Heights area north of Ridge Road would inconvenience a substan-

tial number of persons and in the opinion of the Commission is not in the public interest.

IT IS ORDERED:

Section 1. That Orders Nos. 2649, 2860 and 2947 be and they are hereby revoked.

Section 2. That Section 4-A of Order No. 1999 be and it is hereby amended to read as follows:

A. LOCAL ROUTE

INBOUND: From the bus terminal on the east side of Benning Road north of H Street, Southeast, north on Benning Road to Hanna Place, west on Hanna Place to 46th Street, south on 46th Street to Hillside Road, west on Hillside Road to Alabama Avenue, south on Alabama Avenue to Ridge Road, east on Ridge Road to Southern Avenue, south on Southern Avenue to Pennsylvania Avenue, westerly on Pennsylvania and Alabama Avenues to 38th Street, north on 38th Street to Pennsylvania Avenue and west on Pennsylvania Avenue to Capital Transit Company terminal at Commodore Barney Circle.

OUTBOUND: From the terminal at Commodore Barney Circle, east on Pennsylvania Avenue to Southern Avenue, north on Southern Avenue to Ridge Road, west on Ridge Road to Alabama Avenue, north on Alabama Avenue to Hillside Road, east on Hillside Road to Benning Road and north on Benning Road to the terminal north of H Street, Southeast.

Section 3. That the bus terminal stand at the following location be abolished:

North side of Hillside Road, Southeast, beginning 60 feet west of west curb of Benning Road and extending west 60 feet.

Section 4. That a bus terminal stand be established at the following location:



East side of Benning Road, Southeast, beginning 40 feet north of the north curb line of H Street, Southeast, and extending north 85 feet.

Section 5. That this order become effective November 28, 1948.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary

November 12, 1948

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
Chairman of the Joint Board.

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Order No. 3493

[Exhibit 87, cont'd]

February 14, 1949.

IN THE MATTER OF

Operation of busses by the WASHINGTON  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of Columbia.

P.U.C. No. 2097/36.

AMENDING ORDER NO. 1999.

The Washington, Marlboro and Annapolis Motor Lines, Inc., by letter dated December 1, 1948, requested authority to extend the route of its Seat Pleasant bus line from its present terminal in Maryland near the District Line at 63rd Street and Eastern Avenue so as to operate over a loop in the District of Columbia via Eastern Avenue, Southern Avenue and 63rd Street.

The Commission is of the opinion that the proposed loop route is in the public interest.

## IT IS ORDERED:

Section 1. That Section 4, B-1 of Order No. 1999, as amended, be and it is hereby further amended by the addition of the following paragraph:

From the District of Columbia Line at 63rd Street and Eastern Avenue, southeast on Eastern Avenue to Southern Avenue, southwest on Southern Avenue to 63rd Street and north on 63rd Street to the District of Columbia Line.

Section 2. That the following bus terminal stand be established:

On the east side of 63rd Street, Northeast, beginning 40 feet south of the south curb line of Eastern Avenue and extending south 90 feet.

Section 3. That the following bus stops and zones be established:

On Eastern Avenue, Northeast,  
South side, east of 63rd Street — stop  
and 1-bus zone.

On Southern Avenue, Northeast,  
North side, east of 63rd Street — stop  
and 1-bus zone.

Section 4. That this order become effective immediately.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary.

February 14, 1949.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
Chairman of the Joint Board.

Order No. 3534

[Exhibit 87, cont'd]

May 25, 1949.

## IN THE MATTER OF

Operation of busses by the WASHINGTON  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of Columbia.

P.U.C. No. 2097/36

The Washington, Marlboro and Annapolis Motor Lines, Inc., by letter dated May 13, 1949, requested authorization of routes within the District of Columbia for race track bus service between Washington, D.C., and Oxon Hill, Maryland, for the duration of the races which are scheduled to begin May 26, 1949, and to continue for twenty (20) week-day nights.

The Commission is of the opinion that the authorization of routes in the District of Columbia for this service is in the public interest.

## IT IS ORDERED:

Section 1. That the Washington, Marlboro and Annapolis Motor Lines, Inc., is hereby authorized to operate busses in interstate race track bus service over the following routes:

BRANCH AVENUE ROUTE

OUTBOUND: From 11th Street, Northwest, north of Pennsylvania Avenue, over regular outbound route to Pennsylvania and Branch Avenues, Southeast, thence south on Branch Avenue to the District of Columbia Line.

INBOUND: From the District of Columbia Line at Branch Avenue, Southeast, north on Branch Avenue to Pennsylvania Avenue, thence over regular inbound route to 11th Street, Northwest, north of Pennsylvania Avenue.

SOUTH CAPITAL STREET ROUTE

OUTBOUND: From 11th Street, Northwest, north of Pennsylvania Avenue, over regular outbound route to Pennsylvania Ave-

nue and 11th Street, Southeast, thence south on 11th Street, Nichols Avenue and South Capitol Street to the District of Columbia Line.

INBOUND: From the District of Columbia Line at South Capitol Street, north on South Capitol Street, Nichols Avenue and 11th Street, Southeast, to Pennsylvania Avenue, thence over regular inbound route to 11th Street, Northwest, north of Pennsylvania Avenue.

Section 2. That no intra-District passengers shall be carried on the service herein authorized.

Section 3. That busses shall not deviate from the routes herein authorized except when required by street work, fire or other emergency. Where deviation is necessary, busses shall be operated over such routes as may be directed by detour signs, police instructions, or orders from the Commission.

Section 4. That this order become effective May 26, 1949.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary.

May 25, 1949.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
Chairman of the Joint Board.

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Order No. 3682

[Exhibit 87, cont'd]

June 14, 1950

## IN THE MATTER OF

Application of WASHINGTON, MARLBORO AND ANNAPOLIS MOTOR LINES, INC., to extend its Oxon Hill Bus Line route from South Capitol and Atlantic Streets to 11th Street and Pennsylvania Avenue, Northwest; reroute part of the Suitland Express and all North Beach Bus Line service via South Capitol Street Bridge to 11th Street Terminal.

P.U.C. No. 2097/36,  
Formal Case No.  
397.

CANCELING ORDER NO. 3396, AMENDING ORDER No. 1999  
AS AMENDED BY ORDERS NOS. 2744 AND 3319

NATURE OF APPLICATION.

By letter dated November 4, 1949, as supplemented by its letters of December 22, 1949 and January 25, 1950, Washington, Marlboro and Annapolis Motor Lines, Inc. (hereinafter referred to as "W. M. & A.") requested authority from this Commission to:

1. Extend its Oxon Hill Bus service from South Capitol and Atlantic Streets to 11th Street and Pennsylvania Avenue, Northwest, via South Capitol Street, South Capitol Street Bridge, South Capitol Street, Canal Street, 2nd Street, Pennsylvania Avenue, and 11th Street; returning via E Street, 3rd Street, Independence Avenue, Canal Street, South Capitol Street, South Capitol Street Bridge, and South Capitol Street.

2. Reroute part of its Suitland Express service from the District of Columbia boundary line via South Capitol Street, South Capitol Street Bridge, South Capitol Street, Canal Street, 2nd Street, Pennsylvania Avenue, and 11th Street; returning via E Street, 3rd Street, Independence Avenue, Canal Street, South Capitol Street, South Capitol Street Bridge, and South Capitol Street, to the District of Columbia boundary line.



3. Reroute all of North Beach Bus service from the District of Columbia boundary line via Suitland Parkway, South Capitol Street, South Capitol Street Bridge, South Capitol Street, Canal Street, 2nd Street, Pennsylvania Avenue, and 11th Street; returning via E Street, 3rd Street, Independence Avenue, Canal Street, South Capitol Street, South Capitol Street Bridge, South Capitol Street, and Suitland Parkway, to the District of Columbia boundary line.

After appropriate notice, formal public hearing was held on March 9, 1950. Petition for leave to intervene filed by the Capital Transit Company was granted.

OXON HILL BUS SERVICE EXTENSION FROM ATLANTIC STREET SHOPPING AREA TO EXISTING DOWNTOWN TERMINAL.

The present route of the W. M. & A. Oxon Hill Bus Line was approved on July 8, 1948, under P.U.C. Order No. 3396, as the result of an application of the W. M. & A. by letter dated June 2, 1948; the operation of busses between Washington, D.C. and Forest Heights and Oxon Hill, Maryland, having been authorized by the Interstate Commerce Commission Docket No. MC 3677, Sub 22. Service on this line is wholly interstate. This service began July 11, 1948, and at that time the service provided was at 30-minute intervals during rush hours and 60-minute intervals during non-rush hours, operating from 6:00 a.m. until midnight. (Tr. 19)

The record does not show the amount of patronage at that time, but witness for W. M. & A. states that after November 1, 1948, the effective date of a Capital Transit fare increase, there started a sudden decline in traffic on the Oxon Hill division which has resulted in reduction of service until, at the present time, there are operated two round trips each week day between Atlantic Street terminal (South Capitol and Atlantic Streets) and the Census Bureau; and one round trip each week day between Atlantic Street terminal and Oxon Hill High School.

An origin and destination check of all persons carried on January 18, 1950, showed a total of 32; 21 of whom were destined for the Census Bureau by W. M. & A. service, 3 through Suitland to Washington by W. M. & A. service, and 8 through Atlantic Street terminal to Anacostia or Washington by Capital Transit Company service. Witness for W. M. & A. testified that it was not practical to continue the Oxon Hill division as now constituted and patronized, but residents of the area served testified that bus service was necessary for individual needs and the development of the Maryland suburban area.

In response to requests for service to downtown Washington, W. M. & A. made a survey of the Oxon Hill and Forest Heights areas, both in Maryland. On February 22, 1950, a supplemental questionnaire was sent to 347 previously determined prospective users of W. M. & A. service to its existing downtown terminal by way of South Capitol Street Bridge. Of the 157 replies received, 100 questionnaires indicated the present use of Capital Transit Company service. The destinations of these passengers are not of record.

Capital Transit contends that the proposed extension of the Oxon Hill service to the downtown terminal is competitive and cannot be established without a certificate by this Commission that the competitive line is necessary for the convenience of the public (Section 44-201, D.C. Code, 1940).

Capital Transit argues that the proposed extension of the W. M. & A. Oxon Hill lines within the District of Columbia will result in the diversion of traffic from the existing lines of Capital Transit.

To the extent that their patrons have destinations in the vicinity of the W. M. & A. terminal at 11th Street and Pennsylvania Avenue, Northwest, the Capital Transit Company might suffer the loss of such patrons. However, if the destinations of these patrons are points remote from the W. M. & A. terminal, there would be no loss to Capital Transit by virtue of the proposed extension of the W. M. & A. line.

Moreover, as heretofore stated, the area covered by the survey lies wholly within the State of Maryland and very generally beyond a reasonable walking distance to present Capital Transit Company service. In addition, the proposed W. M. & A. service would be wholly interstate. The record shows that during 1949, subsequent to establishment of the present W. M. & A. Oxon Hill line, Capital Transit Company felt it impractical for it to seek authority for the extension of service into the Maryland area.

On the other hand, W. M. & A. cites the case of Southern Maryland Lines, which provides interstate transportation on fixed schedules from this area to its present terminal at 12th Street and New York Avenue, Northwest. It points out that, effective January 5, 1943, this Commission fixed the District of Columbia terminal of the Southern Maryland Lines at 13th Street and Good Hope Road, Southeast; that the extension of service from 13th Street and Good Hope Road to the terminal at 12th Street and New York Avenue, Northwest, was authorized by Order No. 2993, effective January 1, 1946; and that Southern Maryland Lines never has been required to obtain a certificate of convenience and necessity from this Commission for such extension of service.

Subsequent to the establishment of the service of the Southern Maryland Lines to downtown Washington, and to the authorization of W. M. & A. Oxon Hill line, the South Capitol Street Bridge was constructed and is open to traffic. By Order No. 3613, the Southern Maryland Lines was authorized to change its existing route to a more direct one, passing over South Capitol Street Bridge to its downtown terminal. In this present proceeding, W. M. & A. requests a similar authorization to extend its Oxon Hill line from the terminal at South Capitol and Atlantic Streets, Southeast, over South Capitol Street Bridge to its existing downtown terminal at 11th Street and Pennsylvania Avenue, Northwest.

### REROUTING OF SUITLAND EXPRESS SERVICE.

As authorized by Order No. 1999, amended by Orders Nos. 2744 and 3319, the present route of the Suitland Express Service within the District of Columbia is along Suitland Road to 38th Street, Southeast, north on 38th Street to Pennsylvania Avenue, and west on Pennsylvania Avenue following the established route to the terminal at 11th Street and Pennsylvania Avenue, Northwest.

Witness for W. M. & A. modified its original application, in effect, by testifying that the Company proposes to reroute that portion of its express service which leaves the Census Bureau during the p.m. rush hour and now operates with no intermediate stops between the Census Bureau and the bus terminal at 11th Street and Pennsylvania Avenue, Northwest, over Suitland Parkway and South Capitol Street Bridge. As the remainder of the present Suitland Express Service would continue to operate along the present route, and the proposed route will be applicable solely to the existing non-stop express service, the change would have no effect on intra-District service. A.M. express service between the terminal at 11th Street and Pennsylvania Avenue and the Census Bureau has not been established, but W. M. & A. states that this will be considered as soon as patronage appears to warrant such service.

In addition, the South Capitol Street Bridge route, while being somewhat longer than the existing one, would reduce running time and expedite service between the two termini. The record is not clear as to whether W. M. & A. now has authority to use the Federally-owned Suitland Parkway within the District of Columbia, over which this Commission has no jurisdiction.

### REROUTING OF NORTH BEACH SERVICE.

The present route of the North Beach Line within the District of Columbia is from the District Line at Bowen Road, south on Bowen Road, south on Alabama Avenue, thence west on Pennsylvania Avenue,



following the established route to the 11th Street and Pennsylvania Avenue terminal.

W. M. & A. proposes to reroute this service along Suitland Parkway, both in Maryland and the District of Columbia, to its intersection with South Capitol Street, and thence north across the South Capitol Street Bridge. The operation on this line is wholly interstate and approaches that of an inter-city service. Some trips, as presently operated, discharge inbound passengers and pick up outbound passengers within the District of Columbia at regular bus stops on Alabama Avenue and Pennsylvania Avenue, Southeast. Such passengers, under the proposed routing, would be required to transfer at a point in Maryland to and from local busses following the existing route.

Residents of the Southeast Washington area appeared in order to protest any diminution of service along Alabama and Pennsylvania Avenues, Southeast, but testimony of record shows that the number of passengers presently using this service from intermediate points in Southeast Washington is negligible and that transfer to and from the North Beach Line at a point in Maryland is a common practice at the present time. The benefit to be derived would be the shortening of the running time by possibly as much as 15 minutes on a one-way trip over the Suitland Parkway and South Capitol Street Bridge route. As in the case of the Suitland Express Service, operation over this route depends upon authority to use Suitland Parkway.

#### CONCLUSIONS.

Based upon the record in this proceeding, the Commission finds and concludes that the establishment of the proposed routes is in the public interest. It is the opinion of the Commission that a certificate of convenience and necessity is not required under Section 4 of the Merger Act (Section 44-201, D.C. Code, 1940) for the extension of service on the Oxon Hill Line from the terminal at South Capitol Street, Southeast, to the existing terminal at 11th Street and Pennsylvania Ave-



nue, Northwest. However, if it be judicially determined that the proposed extension of the Oxon Hill Line is subject to the provisions of Section 4 of the Merger Act (Section 44-201, D.C. Code, 1940), the Commission finds and concludes that the proposed extension is necessary for the convenience of the public and that this order shall be considered as such a certificate.

The Commission further finds and concludes that the proposed re-routing of the Suitland Express and North Beach Express Service will expedite transportation within the District of Columbia and alleviate congestion now existing on the Sousa Bridge. Therefore,

**IT IS ORDERED:**

Section 1. That Order No. 3396 be, and it is hereby, canceled.

Section 2. That Washington, Marlboro and Annapolis Motor Lines, Inc., be, and it is hereby, authorized to operate busses over the following routes:

Oxon Hill Line

INBOUND: From the District of Columbia boundary line, north on South Capitol Street, South Capitol Street Bridge and South Capitol Street to Canal Street, northwesterly on Canal Street to 2nd Street, north on 2nd Street to Pennsylvania Avenue, northwesterly on Pennsylvania Avenue to 11th Street and north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Independence Avenue, east on Independence Avenue to Canal Street, southeasterly on Canal Street to South Capitol Street, and south on South Capitol Street, South Capitol Street Bridge and South Capitol Street to the District of Columbia boundary line.

Section 3. That Section 4B of Order No. 1999, as amended by Orders Nos. 2744 and 3319, be further amended by adding thereto the following Alternate Express Route, subject to authorization by the proper Federal agency of the use of Suitland Parkway within the District of Columbia.

Suitland Line and North Beach Line

INBOUND: From the District of Columbia boundary line, westerly on Suitland Parkway to South Capitol Street, north on South Capitol Street, South Capitol Street Bridge and South Capitol Street to Canal Street, northwesterly on Canal Street to 2nd Street, north on 2nd Street to Pennsylvania Avenue, northwesterly on Pennsylvania Avenue to 11th Street and north on 11th Street to terminal.

OUTBOUND: North on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Independence Avenue, east on Independence Avenue to Canal Street, southeasterly on Canal Street to South Capitol Street, south on South Capitol Street, South Capitol Street Bridge and South Capitol Street to Suitland Parkway, easterly on Suitland Parkway to District of Columbia boundary line.

Section 4. That busses operated on these routes shall not carry intra-District passengers.

Section 5. That busses operated on these lines shall not deviate from the routes described except when required by street work, fire or other emergency. Where deviation is necessary, busses shall be operated over such routes as may be directed by detour signs, police instructions or orders of the Commission.

Section 6. That this order become effective immediately.

A TRUE COPY:

Chief Clerk.

By the Commission:

E. J. MILLIGAN  
Executive Secretary.

June 14, 1950.

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

GORDON R. YOUNG  
Chairman of the Joint Board.

PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

Order No. 3781

[Exhibit 87, cont'd]

April 4, 1951

## IN THE MATTER OF

Operation of busses by WASHINGTON,  
MARLBORO AND ANNAPOLIS MOTOR  
LINES, INC., within the District of  
Columbia

P. U. C. No. 2097/36

~~April 4, 1951~~

The Commission has received a request from Washington, Marlboro and Annapolis Motor Lines, Inc., for a terminal loop route within the District of Columbia for operation of interstate bus service between Huntville, Maryland, and the District of Columbia at Kenilworth and Eastern Avenues. A temporary permit for the operation of this service has been granted by the Interstate Commerce Commission.

The Commission is of the opinion that authorization of the requested route on a temporary basis is in the public interest.

## IT IS ORDERED:

Section 1. That Washington, Marlboro and Annapolis Motor Lines, Inc., is hereby granted temporary authority to operate bus service over the following route:

From the District of Columbia boundary line at the intersection of Addison Road and Eastern Avenue, thence westerly on Eastern Avenue, southerly on Olive Street, westerly on Quarles Street, northerly on Kenilworth Avenue and easterly on Eastern Avenue to terminal stand east of Kenilworth Avenue; returning easterly on Eastern Avenue to the District of Columbia boundary line at Addison Road.

Section 2. That the following terminal stand be established:

On the southerly side of Eastern Avenue beginning 30 feet easterly of Kenilworth Avenue and extending easterly 70 feet.

Section 3. That no intra-District passengers shall be carried on the route herein authorized.

Section 4. That busses shall not deviate from the route herein authorized except when required by street work, fire or other emergency. Where deviation is necessary, busses shall be operated over such route as may be directed by detour signs, police instructions, or orders from the Commission.

Section 5. That this order become effective immediately and remain in effect until otherwise ordered by this Commission.

By the Commission:

E. J. Milligan  
Executive Secretary

April 4, 1951

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

*A. True Copy*  
*Chief Clerk*

Gordon R. Young  
Chairman of the Joint Board

[Exhibit 87, cont'd]

August 14, 1952

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Order No. 3912  
AMENDING ORDER NO. 3781

IT IS ORDERED:

Section 1. That Section 1 of Order No. 3781 be amended by striking out the word "temporary" in the first paragraph and by changing the route description to read as follows:

From the District of Columbia boundary line at the intersection of Addison Road and Eastern Avenue, thence westerly on Eastern Avenue and southerly on Kenilworth

Avenue to terminal; returning southerly on Kenilworth Avenue, easterly on Quarles Street, northerly on Olive Street and easterly on Eastern Avenue to the District of Columbia boundary line at Addison Road.

Section 2. That Section 2 of Order No. 3781 be amended by changing the description of the terminal stand to read as follows:

On the west side of Kenilworth Avenue beginning 210 feet south of south curb line of Eastern Avenue extended (3 feet south of driveway) and extending south 44 feet; for use from 5:30 to 9:30 a.m. and 3 to 7 p.m., except Sunday.

Section 3. That this order become effective immediately.

By the Commission:

E. J. Milligan  
Executive Secretary

August 14, 1952

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

B. L. Robinson  
Chairman of the Joint Board

*A True Copy*  
*Chief Clerk*

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PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

[Exhibit 87, cont'd]

Order No. 4117

September 14, 1954

IN THE MATTER OF

Experimental operation of W. M. A.  
Transit Company from downtown  
terminal to South Capitol Street and  
Firth Sterling Avenue

P. U. C. No. 2097/36

In order to encourage use of the public parking lot at South Capitol Street and Firth Sterling Avenue and to relieve traffic congestion in the business area of Washington, W. M. A. Transit Company has agreed to render intra-District passenger service, outbound from its downtown terminal to the said parking lot from 10:15 A.M. to 3:15 P.M. Mondays through Fridays, except on holidays, for an experimental period of 30 days beginning September 15, 1954.

The Commission is of opinion that such service will be in the public interest. Accordingly,  
IT IS ORDERED:

That notwithstanding the provisions of Section 4 of Order No. 3682, W. M. A. Transit Company is hereby authorized, for an experimental period of 30 days beginning September 15, 1954, to perform intra-District passenger service over its outbound route established by Section 2 of Order No. 3682 to a stop, hereby established, on the west side of South Capitol Street north of Firth Sterling Avenue at rates prescribed by this Commission for service by W. M. A. Transit Company.

By the Commission:

E. J. Milligan  
Executive Secretary

September 14, 1954

*A True Copy  
Chief Clerk*

In accordance with the provisions of an Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

Louis W. Prentiss  
Chairman of the Joint Board

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PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

[Exhibit 87, cont'd]

Order No. 4135

October 27, 1954

IN THE MATTER OF

Operation of busses by W. M. A.  
Transit Company, formerly Washington,  
Marlboro and Annapolis Motor Lines, Inc.,  
within the District of Columbia

P. U. C. No. 2097/36

AMENDING ORDERS NOS. 3319 AND 3682

In order to eliminate delays to bus operation caused by congestion and the required left-turning movement at 3rd Street and Independence Avenue, Southwest, W.M.A. Transit Company has requested a relocation of its outbound route in this area.

Approval of the operation of busses on Adams Drive between 3rd and 2nd Streets has been given by National Capital Parks.

IT IS ORDERED:

Section 1. That Section 2 of Order No. 3319 be amended as follows:

All busses of W.M.A. Transit Company presently operating on 3rd Street and Independence Avenue, Southwest, between Adams Drive and 2nd Street shall be routed south on 3rd Street to Adams Drive, east on

Adams Drive to 2nd Street, south on 2nd Street to Independence Avenue, thence east on Independence Avenue over regular route.

Section 2. That Sections 2 and 3 of Order No. 3682 be amended as follows:

All busses of W.M.A. Transit Company presently operating on 3rd Street, Independence Avenue and Canal Street, Southwest, shall be routed south on 3rd Street to Adams Drive, east on Adams Drive to 2nd Street, south on 2nd Street to Canal Street, thence southeasterly on Canal Street over regular route.

Section 3. That this order become effective immediately.

By the Commission:

N. H. Hetzel  
Acting Executive Secretary

October 27, 1954

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

Louis W. Prentiss  
Chairman of the Joint Board

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PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

[Exhibit 87, cont'd]

Order No. 4158

January 28, 1955

IN THE MATTER OF

Application of W. M. A. Transit Company  
to extend Bradbury Heights Line from  
15th Street and Pennsylvania Avenue,  
Southeast, to downtown terminal and to  
extend loop service in Bradbury Heights.

P. U. C. No. 2097/36  
Formal Case No. 439

RESCINDING ORDERS NOS. 3443 and 3867  
AND AMENDING ORDER NO. 1999

By letter dated September 24, 1954, W. M. A. Transit Company  
(hereinafter referred to as "W. M. A.") requested authority from this  
Commission to:

1. Extend the route of its Bradbury Heights Bus Line from 15th Street and Pennsylvania Avenue, Southeast, to its downtown terminal on 11th Street, Northwest, between Pennsylvania Avenue and E Street.
2. Change the route of loop service in the Bradbury Heights, D.C. area, north of the intersection of Southern Avenue and Ridge Road, so as to operate via Southern Avenue, Benning Road, Hanna Place and H Street to a new terminal on Alabama Avenue south of H Street; thence returning via Alabama Avenue, Hillside Road, Benning Road, Southern Avenue and Bowen Road to Ridge Road and thence over the present route.

After appropriate notice, formal public hearing in this matter was held on November 22 and 23, 1954. Petition for leave to intervene filed by Capital Transit Company was granted.

W. M. A. is now operating bus service over an intra-District line which is commonly referred to as Bradbury Heights Local Bus Line. This operates between an easterly terminal at Benning Road and H

Street, Southeast, via Benning Road, Hanna Place, 46th Street, Hillside Road, Alabama Avenue, Ridge Road, Southern Avenue, Pennsylvania Avenue, Alabama Avenue, 38th Street, Pennsylvania Avenue, Kentucky Avenue and 15th Street to a westerly terminal at 15th Street and Pennsylvania Avenue, Southeast, returning via Pennsylvania Avenue, Southern Avenue, Ridge Road, Alabama Avenue, Hillside Road and Benning Road.

W. M. A. also operates other bus lines between points in Maryland and its downtown terminal at 11th Street and Pennsylvania Avenue. These routes cross the District line at Bowen Road, Suitland Road, Branch Avenue, Suitland Parkway and South Capitol Street. The routes crossing the District line at Bowen Road, Suitland Road and Branch Avenue provide [2] intra-District service in the area from Minnesota and Pennsylvania Avenues eastwardly. Some trips on the first of these routes originate westbound and terminate eastbound at Bowen Road and the District line.

W. M. A. now proposes to operate busses of the Bradbury Heights Local line to its downtown terminal at 11th Street and Pennsylvania Avenue, Northwest, instead of terminating at 15th Street and Pennsylvania Avenue, Southeast, except for a few trips in rush periods which would continue to use the latter terminal. The route proposed for busses of this line between 15th Street and Pennsylvania Avenue and its downtown terminal would be the same as the route now used by other W. M. A. lines.

The record shows that passengers now are permitted to transfer between the Bradbury Heights Local Bus Line and other W. M. A. bus lines which operate to and from its downtown terminal. The record also shows there are certain transfer arrangements between W. M. A. and Capital Transit which permit free transfer at 15th Street and Pennsylvania Avenue, Southeast, between the Bradbury Heights Local Line and Capital Transit lines, and that the proposed extension of route would not change these arrangements.



The witness for W. M. A. testified that the purpose of changing the westerly terminal of the Bradbury Heights Local Bus Line from 15th Street and Pennsylvania Avenue, Southeast, to 11th Street and Pennsylvania Avenue, Northwest, is to enable patrons of this line to make the trip to and from its downtown terminal without having to transfer to busses of its other lines. He also testified that by extending the route of this line, W. M. A. would be able to effect much needed economies in its operations by transferring during non-rush periods some of its Maryland patrons to busses of this line at Southern Avenue and Bowen Road. He submitted evidence showing that the Bradbury Heights Local busses have a large amount of unused capacity available for additional passengers in the non-rush periods.

The witness for W. M. A. testified as to the reasons for requesting a change in the loop route in the Bradbury Heights, D. C. area and a change in location of terminal from Benning Road and H Street to Alabama Avenue and H Street. He stated that the proposed terminal would not be in front of anyone's home and that the proposed route would be a more dependable one over which to operate busses when snowy or icy street conditions exist. He testified that the proposed loop route would provide service more convenient to the Coral Hills shopping center and to Davis School, and would provide a more convenient transfer point for Maryland patrons.

At the hearing, Capital Transit opposed the applicant's request for extension of this route to the downtown terminal. After conclusion [3] of the hearing, Capital Transit withdrew its objection to this part of applicant's proposal, provided there are no changes in the transfer arrangement between the two companies, and provided that the transfers are limited to intra-District passengers. The record shows that this application involves no change in this transfer arrangement, and that intra-District passengers are now issued distinctive transfers which will permit identification of these passengers.

Capital Transit also opposed applicant's request for a change in the loop route in the Bradbury Heights, D.C. area. Its witness stated that the grounds for objection were that such a change would adversely affect patronage of a future extension of the C&M line. He admitted that Capital Transit had not made application for such an extension and had not requested the Highway Department to open up and pave a section of Alabama Avenue necessary for such extension. He also admitted that he did not know of any schedule for its construction. This witness also stated that the change in route of W. M. A. would adversely affect present patronage of the C&M line because it would bring the W. M. A. route to within less than 1/2 mile of the present C&M route. For this reason, Capital Transit argued that the change in route of W. M. A. would make it competitive with its established C&M route, and that under the terms of Section 4 of the Merger Act (Section 44-201 D. C. Code, 1951) this Commission cannot permit this extension in route without a finding that public convenience requires the extension.

The record shows that the distance between the present W. M. A. route and Capital Transit's C&M route is about 1/2 mile and the proposed W. M. A. route would result in reducing the distance between the two routes to about 1/3 mile. The record also shows that for residents with in 1/4 mile of the C&M route the accessibility to the C&M route is better than to the proposed W. M. A. route. Witness for W. M. A. testified that he did not believe that the proposed change in its loop route would cause Capital Transit to lose any patronage.

It appears that there is little reason to expect that the proposed change in the loop route would adversely affect the patronage of the existing C&M line. It also appears that future plans for extension of the C&M line are too speculative and indefinite to accept as a valid reason for denying the application of W. M. A. for a change in the loop route.

It further appears that the proposed change in the loop route would enable W. M. A. to improve the efficiency of its operations, reduce ex-

penses, and make the service more convenient for patrons traveling to and from the Coral Hills Shopping Center and Davis School.

[4] Based upon the record in this proceeding, the Commission finds that the proposed extension of route of the Bradbury Heights Local Bus Line to the downtown terminal of W. M. A., and the proposed change in the loop route in the Bradbury Heights, D.C. area, are in the public interest.

It is the opinion of the Commission that a certificate of convenience and necessity is not required under Section 4 of the Merger Act (Section 44-201, D. C. Code, 1951) for route extension of the Bradbury Heights Local Bus Line from 15th Street and Pennsylvania Avenue, Southeast, to the existing W. M. A. terminal at 11th Street and Pennsylvania Avenue, Northwest, or for change in the loop route of this line in the Bradbury Heights, D.C. area. However, if it be judicially determined that these changes in route are subject to the provisions of said Section 4 of the Merger Act, the Commission finds that the proposed extension of route to 11th Street and Pennsylvania Avenue, Northwest, and the proposed change in route in the Bradbury Heights, D.C. area, are necessary for the convenience of the public, and that this order shall be considered as such a certificate. Therefore,  
IT IS ORDERED:

Section 1. That Orders Nos. 3443 and 3867 be rescinded and Order No. 1999 be amended by striking out Section 4A.

Section 2. That W. M. A. Transit Company is hereby authorized and directed to operate bus service over the following route:

**INBOUND:** From the terminal on the west side of Alabama Avenue, south of H Street, south on Alabama Avenue to Hillside Road, east on Hillside Road to Benning Road, southerly on Benning Road, Southern Avenue and Bowen Road to Ridge Road, east on Ridge Road to Southern Avenue, south on Southern Avenue to Pennsylvania Avenue, westerly on Pennsylvania Avenue, Alabama Avenue, 38th Street and Pennsylvania Avenue to 2nd

Street, Southeast, north on 2nd Street to Constitution Avenue, west on Constitution and Pennsylvania Avenues to 11th Street, Northwest, and north on 11th Street to terminal.

OUTBOUND: From the terminal on east side of 11th Street, Northwest, north of Pennsylvania Avenue, north on 11th Street to E Street, east on E Street to 3rd Street, south on 3rd Street to Adams Drive, east on Adams Drive to 2nd Street, south on 2nd Street to Independence [5] Avenue, east on Independence and Pennsylvania Avenues to Southern Avenue, northerly on Southern Avenue and Benning Road to Hanna Place, west on Hanna Place and H Street to Alabama Avenue, and south on Alabama Avenue to terminal.

Section 3. That the following bus terminal stand be abolished:

East side of Benning Road, Southeast, beginning 40 feet north of the north curb line of H Street and extending north 85 feet.

Section 4. That bus terminal stands be established at the following locations:

West side of Alabama Avenue, Southeast, beginning 40 feet south of the south curb line of H Street and extending south 100 feet.

South side of Pennsylvania Avenue, Southeast, beginning 40 feet east of the east curb line of 15th Street and extending east 90 feet, for use from 3:00 to 7:00 p.m., Mondays to Fridays inclusive, excepting holidays.

Section 5. That busses operated on this line shall not deviate from the route described, except when required by street work, fire or other emergency. Where deviation is necessary, busses shall be operated over such route as may be directed by detour signs, police instructions or orders of the Commission.

Section 6. That the following bus stops and zones be abolished:

On 15th Street, Southeast,

West side, north of Pennsylvania Avenue - stop.

On Ridge Road, Southeast,

North side, west of Southern Avenue - stop.

South side, west of Bowen Road - stop.

North side, west of 44th Place - stop and 1-bus zone.

On Alabama Avenue, Southeast,

East side, north of Reed Terrace - stop.

West side, south of Reed Terrace - stop.

[6] On Hillside Road, Southeast,

North side, west of 44th Place - stop.

On 46th Street, Southeast,

West side, south of H Street - stop and 1-bus zone.

West side, north of Hillside Road - stop and 1-bus zone.

Section 7. That the following bus stops and zones be established:

On Southern Avenue,

East side, south of Park Road - stop.

East side, north of Reed Terrace, extended - stop.

West side, north of Reed Terrace - stop.

On Benning Road, Southeast,

East side, north of Hillside Road, extended - stop and 1-bus zone.

East side, north of H Street - stop and 1-bus zone, beginning 40 feet north of the north curb line of H Street and extending north 80 feet.

On H Street, Southeast,

North side, west of 46th Street - stop.

North side, west of 44th Place, extended - stop.

Section 8. That this order become effective January 30, 1955.

By the Commission:

E. J. Milligan

Executive Secretary

January 28, 1955

*A True Copy*  
*Chief Clerk*



In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

Thomas A. Lane  
Chairman of the Joint Board

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PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

[Exhibit 87, cont'd]

Order No. 4161

February 8, 1955

IN THE MATTER OF

Operation of W. M. A. TRANSIT  
COMPANY between downtown terminal  
and South Capitol Street at Firth Sterl-  
ing Avenue.

P. U. C. No. 2097/36

By Order No. 4117, dated September 14, 1954, this Commission authorized W. M. A. Transit Company to perform intra-District passenger service over its outbound route of the Oxon Hill Bus Line from its downtown terminal to the public parking lot at South Capitol Street and Firth Sterling Avenue from 10:15 a.m. to 3:15 p.m., Mondays through Fridays, except on holidays. This service has been provided by its scheduled busses on the Oxon Hill line.

In order to encourage additional use of the public parking lot and thus to reduce traffic congestion in the business area of Washington, W. M. A. Transit Company has agreed to render intra-District passenger service by its scheduled busses of the Oxon Hill line between the parking lot and its downtown terminal in the inbound and outbound directions during non-rush periods when the parking lot is not served by Capital Transit Company.

The Commission is of the opinion that such service is in the public interest. Therefore,

IT IS ORDERED:

Section 1. That, notwithstanding the provisions of Section 4 of Order No. 3682, W. M. A. Transit Company is hereby authorized to perform intra-District passenger service inbound from the public parking lot at South Capitol Street and Firth Sterling Avenue to its downtown terminal and outbound from its downtown terminal to said parking lot on Mondays through Fridays, holidays excepted, during the periods of day when passenger service on South Capitol Street at the parking lot is not provided by Capital Transit Company; and that this service be provided by scheduled busses of the Oxon Hill line at rates prescribed by this Commission for W. M. A. Transit Company.

Section 2. That the following bus stops are hereby established:

On South Capitol Street,

East side, on the bus turn-out at the public parking lot north of Firth Sterling Avenue.

West side, north of Firth Sterling Avenue.

Section 3. That this order become effective immediately.

By the Commission:

E. J. Milligan  
Executive Secretary

February 8, 1955

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

Thomas A. Lane  
Chairman of the Joint Board

*A True Copy  
Chief Clerk*

PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

Order No. 4372

[Exhibit 87, cont'd]

May 7, 1957

## IN THE MATTER OF

Operation of busses by W. M. A.  
TRANSIT COMPANY within the  
District of Columbia

P. U. C. No. 2097/36

## AMENDING ORDER NO. 1999

By application dated March 25, 1957, W.M.A. Transit Company requested authority to change part of one of its routes operating between points in Maryland and 11th Street and Pennsylvania Avenue, N. W., Washington, D.C. This proposed change is between the intersection of Branch and Southern Avenues and the intersection of 38th Street and Alabama Avenue. The new route requested is via Southern Avenue, Suitland Road and 38th Street instead of the present route via Branch and Alabama Avenues.

On the existing part of the route to <sup>be</sup> discontinued under the requested authority no intra-District passengers are received or discharged. For the operation on the new portion of the route, W.M.A. Transit Company requested authority to receive and discharge such passengers.

The purpose of the proposed change is to serve a relatively new residential area along Southern Avenue between Branch Avenue and Suitland Road. The application is supported by two Citizens' Associations in this area. There was no opposition to the application.

The Commission is of the opinion that the requested authority is in the public interest and should be granted. Therefore,

## IT IS ORDERED:

Section 1. That Section 4B of Order No. 1999, as amended, be fur-

ther amended by changing the route description under the heading "Silver Hill Line" to read as follows:

Inbound: From the District Line, northerly on Branch Avenue, Southern Avenue, Suitland Road and 38th Street to Pennsylvania Avenue, west on Pennsylvania Avenue to 2nd Street, Southeast, north on 2nd Street to Constitution Avenue, west on Constitution and Pennsylvania Avenues to 11th Street, Northwest, and north on 11th Street to the terminal.

Outbound: From the terminal, north on 11th Street to E Street, east on E Street to 3rd Street, Northwest, south on 3rd Street to Adams Drive, east on Adams Drive to 2nd Street, south on 2nd Street to Independence Avenue, east on Independence and Pennsylvania Avenues to 38th Street, Southeast, and southerly on 38th Street, Suitland Road, Southern and Branch Avenues to the District Line.

Section 2. That Section 4C of Order No. 1999, as amended, be further amended to read as follows:

C. LIMITATION ON PICK-UP AND DISCHARGE.

Westbound busses on the express routes described by Section 4 hereof shall not stop for the receipt of passengers west of Fairlawn Avenue, nor shall eastbound busses of the same routes stop for the discharge of passengers west of Prout Street.

Section 3. That the following bus stops be established:

On Southern Avenue, Southeast,

East side, south of Fairhill Drive.

West side, south of Fairhill Drive, extended.

East side, north of 34th Street, extended.

West side, north of 34th Street.

East side, south of 36th Place.

West side, north of 36th Place.

East side, opposite premises No. 3710.

West side, north of the north building line of premises No. 3710.

Section 4. That this order become effective immediately.

By the Commission:

Norman B. Belt  
Executive Secretary

May 7, 1957

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

*A True Copy  
Chief Clerk*

T. A. Lane  
Brig. Gen. U. S. A.  
Chairman of the Joint Board

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PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

Order No. 4400

[Exhibit 87, cont'd]

October 2, 1957

IN THE MATTER OF

Operation of busses by W.M.A. TRANSIT  
COMPANY within the District of Columbia

P. U. C. No. 2097/36

By petition dated August 29, 1957, W.M.A. Transit Company requested authority to operate rush hour express bus service for the transportation of interstate passengers between Maryland and downtown Washington over a new route within the District of Columbia.

The route requested is as follows:

Inbound via Central Avenue, East Capitol Street, C Street, North Carolina Avenue, Consitution Avenue and Pennsylvania Avenue to the W.M.A. Transit Company's existing terminal at 11th Street and Pennsylva-



nia Avenue, N.W.; outbound via 11th Street, E Street, 6th Street N.W., Constitution Avenue, North Carolina Avenue, C Street, 22nd Street, East Capitol Street and Central Avenue.

The purpose of this request is to establish a more direct bus route between downtown Washington and the Maryland areas of Kent Village, Palmer Park, Maryland Park, Capitol Heights and Seat Pleasant.

The Commission is of the opinion that the requested authority is in the public interest and should be granted. Therefore,  
IT IS ORDERED:

Section 1. That W.M.A. Transit Company be, and it is hereby, authorized to operate express busses during rush periods over the following route within the District of Columbia:

INBOUND: From the District of Columbia boundary line westerly on Central Avenue, East Capitol Street, East Capitol Street Bridge, C Street, North Carolina Avenue, Constitution Avenue and Pennsylvania Avenue to 11th Street, N.W., and north on 11th Street to the terminal.

[2] OUTBOUND: From the terminal on the east side of 11th Street north of Pennsylvania Avenue, north on 11th Street to E Street, east on E Street to 6th Street, N.W., south on 6th Street to Constitution Avenue, and easterly on Constitution Avenue, North Carolina Avenue, C Street, 22nd Street, East Capitol Street Bridge, East Capitol Street, and Central Avenue to the District of Columbia boundary line.

Section 2. That rush period bus stops be established for inbound alighting and outbound boarding at the following locations:

INBOUND

North side of East Capitol Street, 245 feet east of Benning Road.

North side of C Street, N.E., west of 17th Street.

North side of Constitution Avenue, N.E., east of 8th Street.

OUTBOUND

West side of 6th Street, N.W., north of D Street.  
South side of Constitution Avenue, N.E., east of 1st Street.

South side of Constitution Avenue, <sup>N.E.</sup>~~N.W.~~, east of 8th Street.

South side of C Street, N.E., east of 17th Street.  
South side of East Capitol Street, west of 46th Street.

Section 3. That rush period bus stops for this service be also authorized for inbound alighting or outbound boarding at the following existing stops of W.M.A. Transit Company:

INBOUND

North side of Constitution Avenue, east of 1st Street, N.E.  
North side of Constitution Avenue, east of New Jersey Avenue.  
North side of Constitution Avenue, west of 3rd Street, N.W.  
North side of Pennsylvania Avenue, east of 8th Street, N.W.  
At the terminal on 11th Street, N.W.

[3]

OUTBOUND

At the terminal on 11th Street, N.W.  
South side of E Street, west of 8th Street, N.W.  
South side of E Street, east of 7th Street, N.W.

Section 4. That no intra-District passengers shall be carried by busses operating on the route authorized herein.

Section 5. That busses operated under the authority contained herein shall not deviate from the route described above except when required by street work, fire or other emergency. Where deviation is necessary, busses shall be operated over such routes as may be di-

rected by detour signs, police instructions<sup>s</sup> or orders from the Commission.

Section 6. That this order become effective October 14, 1957.

By the Commission:

Norman B. Belt  
Executive Secretary

October 2, 1957

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

*A True Copy  
Chief Clerk*

A. C. Welling  
Colonel, U.S.A.  
Chairman of the Joint Board

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PUBLIC UTILITIES COMMISSION OF THE  
DISTRICT OF COLUMBIA

Order No. 4551

[Exhibit 87, cont'd]

July 8, 1959

IN THE MATTER OF

Petition of W.M.A. TRANSIT COMPANY  
for Alternate Route over the Oxon Hill  
Line.

P. U. C. No. 2097/36

SUPPLEMENTING AND AMENDING ORDERS  
NOS. 3319 and 3682

W. M. A. Transit Company has filed a petition for authority to alter a portion of its presently authorized route over the Oxon Hill Line for seasonal operations through Labor Day and for one round trip on Fridays, Saturdays and Sundays throughout the year. The petitioner rep-

resents that it proposes to operate additional buses during the summer season in order to serve passengers traveling interstate between the Wilson Line pier at Maine Avenue and N Streets, S.W., and Marshall Hall, Maryland. No intra-District passengers will be transported on the proposed alternate operation.

The service over the alternate route is desired by Marshall Hall Amusement Park and Wilson Line of Washington in order to afford bus service to those passengers using the Wilson Line in only one direction between Washington and Marshall Hall, Maryland. The Marshall Hall Amusement Park and the Wilson Line of Washington have requested that the proposed service be authorized. It appears to the Commission that the additional service by an alternate route serving the Wilson Line pier in the operation between the Company's terminal at 11th and Pennsylvania Avenue and Marshall Hall, Maryland, is in the public interest and should be authorized. Therefore,

**IT IS ORDERED:**

Section 1. That W. M. A. Transit Company be, and it is hereby, authorized to operate additional bus service on its Oxon Hill Line by alternating the out-bound route for such additional bus service by turning south from E Street, N. W. to 10th Street, N.W., south over 10th Street to Pennsylvania Avenue, N.W., east on Pennsylvania Avenue, N.W. to 7th Street, N.W., south on 7th Street to Maine Avenue, S.W., south on Maine Avenue to an off-street terminal at Maine Avenue, S.W. (the Wilson Line pier parking lot), then south on Maine Avenue to O Street, S.W., east on O Street to South Capitol Street, south on South Capitol Street to Southern Avenue, S.E.; that on the in-bound trip the alternate route shall commence at South Capitol Street and Southern Avenue, north on South Capitol Street to N Street, west on N Street to Maine Avenue, S.W., then to the off-street terminal at Maine Avenue and N Street, S.W. (the Wilson Line pier parking lot), then north on Maine Avenue to 7th Street, S.W., north on 7th Street, S.W. to Pennsylvania Avenue, N.W., and then along the regular Oxon Hill line route

to the Company's terminal at 11th and Pennsylvania Avenue, N.W. Provided that, during periods when left turns are prohibited at 7th Street and Pennsylvania Avenue, N.W., inbound buses shall be routed north on 7th Street to Market Space, west on Market Space to Pennsylvania Avenue and thence on regular in-bound route.

Section 2. That buses operated over the alternate route authorized by Section 1 hereof shall not carry intra-District passengers.

Section 3. That buses operated pursuant to authority of Section 1 hereof shall not deviate from the routes described except when required by street work, fire, or other emergency. Where deviation is necessary, buses shall be operated on such routes as may be directed by detour signs, police instructions, or orders of the Commission.

Section 4. That this order become effective immediately.

By the Commission:

Norman B. Belt  
Executive Secretary

July 8, 1959

In accordance with the provisions of the Act of Congress, approved February 27, 1931, this order has been referred to the Joint Board created by said Act and has been adopted by said Joint Board.

*A True Copy*  
*Chief Clerk*

A. C. Welling  
Brig. Gen., U. S. A.  
Chairman of the Joint Board

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[Exhibit 88]  
BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 367

IN THE MATTER OF:

Served June 17, 1964

Applications for Certificates  
of Public Convenience and  
Necessity by:

D. C. Transit System, Inc.  
Washington, D. C.

Application No. 64

Alexandria, Barcroft and  
Washington Transit Company  
Alexandria, Virginia

Application No. 43

Washington, Virginia and Maryland  
Coach Company, Inc.  
Arlington, Virginia

Application No. 60

W M A Transit Company  
Bradbury Heights, Maryland

Application No. 23

The Gray Line, Inc.  
Washington, D. C.

Application No. 65

APPEARANCES:

As shown in the Conference Report attached hereto and made a  
part hereof.

Applications for certificates of public convenience and necessity  
authorizing continuance of operations being conducted on the effective  
date of the Compact and on the effective date of the Compact as amend-  
ed, pursuant to Section 4(a), Article XII, Title II, of the Washington  
Metropolitan Area Transit Regulation Compact (grandfather clause)  
were timely filed by D. C. Transit System, Inc.; Alexandria, Barcroft

and Washington Transit Company; Washington, Virginia and [2] Maryland Coach Company, Inc.; W M A Transit Company; and The Gray Line, Inc.

Public notice of these applications was duly given and every interested party was afforded every opportunity to present its views to the Commission in the disposition of these applications. Under the Compact, no formal hearings are required in disposing of these applications. However, as noted in the attached Conference Report, numerous informal discussions and conferences were held between the Staff of the Commission and all parties of record concerning the issues involved. The only issues involved were whether or not the applications were timely filed and whether or not the applicants were bona fide engaged in transportation subject to this Act for which authority was sought. The Commission has carefully considered the findings and recommendations contained in the Conference Report, including the recommended authority to be granted each of the applicants. The Commission adopts the Conference Report and it is hereby incorporated into, and made a part of, this order.

It should be noted that in each instance the proposed authority as contained in the Conference Report includes, as a matter of convenience for all interested parties, all authority granted the various applicants by this Commission subsequent to the effective date of the Compact.

#### FINDINGS

The Commission finds that D. C. Transit System, Inc., was bona fide engaged in the transportation of passengers on the effective date of the Compact and on the effective date of the Compact as amended pursuant to the proposed authority as described in the attached Conference Report, and that the application for said authority was timely filed with the Commission. The Commission further finds that a certificate of public convenience and necessity as recommended in the attached Conference Report should be issued D. C. Transit System, Inc.

The Commission finds that Alexandria, Barcroft and Washington Transit Company was bona fide engaged in the transportation of passengers on the effective date of the Compact and on the effective date of the Compact as amended pursuant to the proposed authority as described in the attached Conference Report, and that the application for said authority was timely filed with the Commission. The Commission further finds that a certificate of public convenience and necessity as recommended in the attached Conference Report should be issued Alexandria, Barcroft and Washington Transit Company.

[3] The Commission finds that Washington, Virginia and Maryland Coach Company, Inc., was bona fide engaged in the transportation of passengers on the effective date of the Compact and on the effective date of the Compact as amended pursuant to the proposed authority as described in the attached Conference Report, and that the application for said authority was timely filed with the Commission. The Commission further finds that a certificate of public convenience and necessity as recommended in the attached Conference Report should be issued Washington, Virginia and Maryland Coach Company, Inc.

The Commission finds that W M A Transit Company was bona fide engaged in the transportation of passengers on the effective date of the Compact and on the effective date of the Compact as amended pursuant to the proposed authority as described in the attached Conference Report, and that the application for said authority was timely filed with the Commission. The Commission further finds that a certificate of public convenience and necessity as recommended in the attached Conference Report should be issued W M A Transit Company.

The Commission finds that The Gray Line, Inc., was bona fide engaged in the transportation of passengers on the effective date of the Compact and on the effective date of the Compact as amended pursuant to the proposed authority as described in the attached Conference Report, and that the application for said authority was timely filed with

the Commission. The Commission further finds that a certificate of public convenience and necessity as recommended in the attached Conference Report should be issued The Gray Line, Inc.

THEREFORE, IT IS ORDERED:

1. That certificates of public convenience and necessity, authorizing the transportation of passengers and their baggage, pursuant to the proposed authority as contained in the attached Conference Report, be issued D. C. Transit System, Inc.; Alexandria, Barcroft and Washington Transit Company; Washington, Virginia and Maryland Coach Company, Inc.; W M A Transit Company; and The Gray Line, Inc.

2. That this Order become effective thirty (30) days after the date of issuance hereof.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

[~~Exhibit~~ 88, cont'd]

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

Commission Staff Conference Report

IN THE MATTER OF:

Grandfather applications of:

D. C. TRANSIT SYSTEM, INC.,  
Washington, D. C.

Application No. 64

A. B. & W. TRANSIT COMPANY,  
Alexandria, Virginia

Application No. 43

W. V. & M. COACH COMPANY,  
Arlington, Virginia

Application No. 60

W M A TRANSIT COMPANY,  
Bradbury Heights, Maryland

Application No. 23

THE GRAY LINE, INC.,  
Washington, D. C.

Application No. 65

A copy of a draft of this Report was served on all parties of record on May 14, 1964. The only objection to the Report was filed by Manuel J. Davis, Attorney for W. V. & M. Coach Company, which objection was subsequently removed to the satisfaction of W. V. & M. Coach Company, Inc.

### REPORT

Applications for certificates of public convenience and necessity authorizing continuance of operations being conducted on or before March 22, 1961, pursuant to Section 4(a), Article XII, Title II, of the Compact (grandfather clause), were duly and properly filed by the aforementioned carriers on or before June 21, 1961.

[2] Section 4(a), Article XII, Title II of the Compact, reads as follows:

"No person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation; provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the effective date of this Act. Pending the determination of any such application, the continuance of such operation shall be lawful."

The Compact became effective on March 22, 1961, and thus the carriers had until June 21, 1961, to file these applications.

Notice of the applications was published in the Washington Post,



Washington Evening Star and Washington Daily News, on October 12, 1962, and included a summary of the authority sought in the applications. The notice further provided that "Protests to all or any portion of the authority sought shall be filed, in writing, with the Commission, within thirty days of this publication."

The following parties indicated an interest in the disposition of either one or all of the applications:

John R. Sims, Jr., Esquire and Gordon A. Phillips,  
Esquire, Attorneys for D. C. Transit System, Inc.

S. Harrison Kahn, Esquire, Attorney for The Gray  
Line, Inc., and A. B. & W. Transit Company

Manuel J. Davis, Esquire, Attorney for W. V. & M.  
Coach Company

Stanley Kamerow, Esquire, Attorney for W M A  
Transit Company

Linwood C. Major, Esquire, Attorney for Airport  
Transport, Inc.

[3] The Staff of the Commission was represented by Delmer Ison, Executive Director, and Russell W. Cunningham, General Counsel.

Under the Commission's Regulations, these applications involve *the following* classifications of authority:

1. Regular Route Operations
2. Irregular Route Operations:
  - (a) Charter Operations.
  - (b) Special Operations.

The above terms are defined by the Commission's Rules and Regulations as follows:

"51-06. Regular Route Operation: The term 'regular route operation' means scheduled service over designated streets and highways between fixed termini for the purpose of performing mass transportation of pas-

sengers; provided, that the holder of regular route authority may conduct any type of operations between points on and over said route, including passengers in charter and special operations.

"51-13. Charter Operation: The term 'charter operation' means the transportation of a group of passengers who, pursuant to a common purpose and under a single contract, has acquired the exclusive use of a vehicle or vehicles to travel together.

"51-14. Special Operation: The term 'special operation' means the transportation of passengers for a special trip, for which the carrier contracts with each individual separately."

The applications herein seek both regular route authority and irregular route authority. There was no controversy with respect to the regular route authority sought, but numerous discussions and conferences were held in conjunction with the irregular route authority sought. Proof of regular route operations was established by the filing with the Commission of operating authority issued to the carrier by the state and federal commissions which had prior jurisdiction over operations of carriers of passengers in the Metropolitan District. Under the Interstate Commerce Act, a holder of regular route authority also held incidental authority to engage in charter operations. Under this incidental authority, a carrier could originate charter trips within the territory served by its regular route.

[4] Under this rather vague standard, it became necessary to establish the territory for each individual applicant depending on the circumstances of each case. Carriers holding regular route authority to operate between points in Prince Georges and Montgomery County, Maryland, could also engage in charter operations without any additional authority. Both ~~charter~~<sup>charter</sup> and special operations within the District of Columbia, prior to March 22, 1961, were exempt from authority regulation. Thus, insofar as charter and special operations in the

District of Columbia are concerned, each applicant was required to establish proof of actual operations. One exception to this discussion was that D. C. Transit System, Inc., held specific authority, granted by the Congress of the United States, to engage in charter and special operations between certain points within the Metropolitan District.

Prior to March 22, 1961, transportation of passengers incidental to aircraft transportation was exempt from authority regulation. Thus, the applicants had to establish, either through proof of operations or through a showing that the airport was located "within the territory served" by its regular routes, that it was entitled to the authority sought. Since the Dulles International Airport was included in the Metropolitan District by amendment to the Compact on March 29, 1963, the proof of authority entitlement had to relate to on or before March 29, 1963. Under this theory, the staff and parties of record agreed, upon a review of all information submitted, that D. C. Transit System, Inc., A. B. & W. Transit Company, W. V. & M. Coach Company, and The Gray Line, Inc., were bona fide engaged in the transportation of passengers pursuant to the proposed authority set out herein, as of March 29, 1963.

Numerous conferences and discussions were held between the staff and representatives of all parties of record relating to the proof of operations of the respective applicants. In between conferences and discussions, a substantial exchange of correspondence took place in order to further verify the applications and proof of operations. In no event did the staff allow any applicant to enlarge upon the request of authority sought in its original application. Following these discussions, the staff undertook to reduce to writing the authority to which the respective applicants were entitled. Following service of the proposed authority on all the parties of record, a concluding conference was held and all parties of record indicated to the staff their agreement with such proposed authority. Following the numerous conferences, discussions and exchange of correspondence concerning these applications, and a careful review of all the proof submitted therewith, it is the Staff's

opinion that each of the applicants are entitled to the following authority and the staff recommends that certificates of public convenience and necessity be issued to each of the applicants in the following form:

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
NO. 11

ALEXANDRIA, BARCROFT AND WASHINGTON  
TRANSIT COMPANY, ALEXANDRIA, VIRGINIA

At a session of the Washington Metropolitan Area Transit Commission held on the \_\_\_\_ day of \_\_\_\_, 1964:

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and express, newspapers, and mail in the same vehicles with passengers, over regular routes.

Between Washington, D. C. and Virginia; between Washington, D. C., Maryland and Virginia; restricted, however, unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland and the District of Columbia, as follows:

- No. 1 From Fort Belvoir, Virginia, over U. S. Highway No. 1 to junction Virginia Highway No. 617, thence over Virginia Highway No. 617 to junction Virginia Highway No. 350 (Shirley Memorial Highway), thence over Virginia Highway 350 to Washington, D. C., and return over the same route.  
 [2] Service is authorized to and from all intermediate points except those on the indicated portion of U. S. Highway No. 1 and except those on Virginia Highway No. 617 within one-fourth mile of U. S. Highway No. 1.
- No. 2 From Fort Belvoir, Virginia over U. S. Highway No. 1 to Washington, D. C., and return over the same route.
- No. 3 From Mount Vernon, Virginia over Mount Vernon Memorial Highway to the Arlington Memorial Bridge, thence over the Arlington Memorial Bridge to Washington, D.C., and return over the same route.
- No. 4 From Annandale, Virginia over Virginia Highway No. 244 (Columbia Pike) and access roads in the area of the Navy Annex and the Pentagon Building to junction U. S. Highway No. 1, and return over the same route.
- No. 5 From junction U. S. Highway No. 1 (Jefferson Davis Highway) and Woodrow Wilson Bridge approach, Alexandria, over Woodrow Wilson Bridge to junction Anacostia Freeway, thence over Anacostia Freeway to Washington, D. C., and return over the same route.
- No. 6 From junction Woodrow Wilson Bridge, Anacostia Freeway, and Capital Beltway, Maryland, over Capital Beltway to junction Maryland Highway No. 210 (Indian Head Highway), thence over Maryland Highway No. 210 to Washington, D. C., and return over the same route.



RESTRICTION: No passengers shall be transported over the routes authorized in paragraphs 5 and 6 between any two points in Maryland, or between points in Maryland and points in the District of Columbia.

- No. 7 From Washington, D. C. across Arlington Memorial Bridge to Arlington Memorial Avenue, thence over Arlington Memorial Avenue to junction Arlington Ridge Road, thence over Arlington Ridge Road to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 8 From junction Virginia Highway No. 7 and Glen Carlyn Road over Virginia Highway No. 7 to Alexandria, Virginia, and return over the same route.
- [3] No. 9 From junction Virginia Highway No. 7 and Payne Street over Payne Street to junction Seminary Road, thence over Seminary Road to Alexandria, Virginia and return over the same route.
- No. 10 From Alexandria, Virginia, over Lincolnia Road to junction Virginia Highway No. 713, and return over the same route.
- No. 11 From Alexandria, Virginia, over North Chambliss Street to junction Lincolnia Road, thence over Lincolnia Road to junction Virginia Highway No. 713 thence over Virginia Highway No. 713 to junction Virginia Highway No. 236, and return over the same route.
- No. 12 From Alexandria, Virginia, over Virginia Highway No. 236 (Duke Street), to junction U. S. Route No. 495 (Capital Beltway), and return over the same route.
- No. 13 From the south end of 14th Street Bridge near the junction of Mount Vernon Memorial Highway over "C" Roadway and Bridge 18 to junction "S" Roadway, thence over "S" Roadway to Jefferson Davis Highway.

- No. 14 From the junction of Jefferson Davis Highway and "N" Roadway over "N" Roadway to junction "D" Roadway, thence over "D" Roadway to the south end of 14th Street Bridge near Mount Vernon Memorial Highway.
- No. 15 From the south end of 14th Street Bridge near Mount Vernon Memorial Highway over "C" Roadway, thence over Ramp to South Parking Area, thence via South Parking Area to entrance to Classification Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard to South Parking Area, thence over Ramp to "H" Roadway, thence over "H" Roadway to Ramp, thence over Ramp to "C" Roadway, thence over "C" Roadway to "J" Roadway, thence over "J" Roadway to junction Arlington Ridge Road.
- No. 16 From junction Arlington Ridge Road and "K" Roadway over "K" Roadway to "D" Roadway, thence over "D" Roadway over Bridge 11, thence down Ramp and under Bridge 11 to South Parking Area, thence through South Parking Area to entrance to Classification [4] Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard, thence over Ramp to "H" Roadway, thence over "H" Roadway under Bridge 10 to Ramp to "D" Roadway, thence over Ramp to "D" Roadway, thence over "D" Roadway to south end of 14th Street Bridge near Mount Vernon Memorial Highway.
- No. 17 From junction Arlington Memorial Avenue and Bridge 1 to Ramp, thence over Ramp to "H" Roadway, thence over "H" Roadway to Ramp and over Ramp to Bridge 9, thence over Bridge 9 to Classification Yard, thence over Columbia Pike to Ramp, thence over Ramp to "B" Roadway, thence over "B" Roadway to "F" Roadway, thence over "F" Roadway to "C" Roadway, thence over "C" Roadway to "J" Roadway, thence over "J" Roadway to junction Arlington Ridge Road.
- No. 18 From junction Arlington Ridge Road and "K" Roadway over "K" Roadway to "D" Roadway, thence over "D"

Roadway to "E" Roadway, thence over "E" Roadway under Bridge 13 to "A" Roadway, thence over "A" Roadway to cut-off east of Bridge 14 to Columbia Pike, thence over Columbia Pike and through South Parking Area to entrance to Classification Yard, thence to entrance of Pentagon Bus Terminal, thence to Classification Yard and over Bridge 8 to Ramp, thence over Ramp to "H" Roadway, thence over "H" Roadway to Ramp, thence over Ramp to Arlington Memorial Avenue.

- No. 19 From junction Virginia Highway 244 (Columbia Pike) and South Orme Street over South Orme Street to junction South Gate Road, thence over South Gate Road to junction Arlington Ridge Road, and return over the same route.
- No. 20 From junction Arlington Ridge Road and north entrance to Arlington Farms over Arlington Farms Roadway to junction Arlington Ridge Road and south entrance to Arlington Farms, and return over the same route.
- No. 21 From junction Arlington Ridge Road and center entrance to Arlington Farms over Arlington Farms Roadway to Recreation Hall Circle, and return over the same route.
- [5] No. 22 From junction "A" Roadway and Ramp over Ramp to Columbia Pike at South Gate Road.
- No. 23 From junction Columbia Pike and South Rolfe Street over "F" Roadway to junction "B" Roadway, thence over "B" Roadway to junction "D" Roadway, thence over "D" Roadway to Bridge 10.
- No. 24 From junction "A" Roadway and "C" Roadway over "A" Roadway and Bridge 14 to Ramp, thence over Ramp to Columbia Pike.
- No. 25 From Shirley Memorial Highway to and under Bridge 16, thence over "D" Roadway to junction "B" Roadway, thence over "B" Roadway to Memorial Circle.

- No. 26 From west end of Memorial Bridge to right turn at Memorial Circle to "B" Roadway, thence over "B" Roadway to junction "U" Roadway, thence over "U" Roadway to junction "A" Roadway, thence over "A" Roadway to junction "C" Roadway, thence over "C" Roadway to junction Shirley Memorial Highway.
- No. 27 From junction Mount Vernon Memorial Highway and "T" Roadway over "T" Roadway to junction "B" Roadway.
- No. 28 From junction "A" Roadway and "R" Roadway over "R" Roadway to junction Mount Vernon Memorial Highway.
- No. 29 From junction Army-Navy Drive and Ramp over Ramp to "D" Roadway.
- No. 30 From junction South Parking Roadway and Ramp over Ramp to "C" Roadway over Bridge 11.
- No. 31 From junction "H" Roadway and Ramp to Bridge 9 over "H" Roadway to junction Bridge 8.
- No. 32 From junction "C" Roadway and Ramp over Ramp to "H" Roadway at Bridge 8.
- No. 33 From "D" Roadway and Ramp over Ramp to Jefferson Davis Highway.
- No. 34 From junction Jefferson Davis Highway and "H-4" Roadway over "H-4" Roadway to junction "H" Roadway, thence over "H" Roadway to Ramp, thence over Ramp to "C" Roadway.
- [6] No. 35 From Bridge 10 over "H-3" Roadway to Jefferson Davis Highway.
- No. 36 From "H" Roadway and Ramp over Ramp to "A" Roadway.
- No. 37 From under Bridge 8 over Ramp to Classification Yard.

- No. 38 From 'H' Roadway under Bridge 10 to Ramp to Roadway from Classification Yard.
- No. 39 From 'H' Roadway under Bridge 8 to Ramp from Classification Yard.
- No. 40 From 'H' Roadway and Ramp to Bridge 9, thence under Bridge 8 to Ramp from Classification Yard.
- No. 41 From junction Mount Vernon Memorial Highway and Smith Boulevard - National Airport Roadway, South Entrance - over Smith Boulevard (Airport Roadway) to junction Mount Vernon Memorial Highway and Smith Boulevard - National Airport Roadway, North Entrance, and return over the same route.
- No. 42 From junction Army-Navy Drive and South Fern Street over South Fern Street to junction South 15th Street, thence over South 15th Street to junction Abingdon Drive, thence via Abingdon Drive around Building T-7 to junction South 15th Street and Mount Vernon Memorial Highway, and return over the same route.
- No. 43 From junction South Glebe Road and Army-Navy Drive over Army-Navy Drive to junction U. S. Highway No. 1 and return over the same route.
- No. 44 From junction Army-Navy Drive and South Lynn Street over South Lynn Street to junction Arlington Ridge Road, thence over Arlington Ridge Road to Alexandria, Virginia, and return over the same route.
- No. 45 From junction Army-Navy Drive and South Joyce Street over South Joyce Street to junction South 15th Street, thence over South 15th Street to junction South Fern Street, and return over the same route.
- No. 46 From junction South 23rd Street and South Eads Street over South Eads Street to junction South 15th Street and return over the same route.
- [7] No. 47 From junction South 20th Street and South Hayes



Street over South Hayes Street to Bridge 11 and return over the same route.

- No. 48 From junction Arlington Ridge Road and South 20th Street over South 20th Street to junction U. S. Highway No. 1 and return over the same route.
- No. 49 From junction Army-Navy Drive and South 23rd Street over South 23rd Street to junction U. S. Highway No. 1 and return over the same route.
- No. 50 From junction South Glebe Road and South Meade Street over South Meade Street to junction South 28th Street, thence over South 28th Street to junction South 26th Street, thence over South 26th Street to junction South Wayne Street, thence over South Wayne Street to junction South 27th Street, thence over South 27th Street to junction South Adams Street, thence over South Adams Street to junction Army-Navy Drive, and return over the same route.
- No. 51 From junction South Glebe Road and South 27th Street over South 27th Street to junction South Adams Street, and return over the same route.
- No. 52 From junction South Glebe Road and South 26th Street, over South 26th Street to junction South Wayne Street, and return over the same route.
- No. 53 From junction Virginia Highway No. 244 (Columbia Pike) and South Glebe Road over South Glebe Road to junction U. S. Highway No. 1, and return over the same route.
- No. 54 Shirlington Rotary in its entirety.
- No. 55 From junction South 31st Street and South Randolph Street over South Randolph Street to junction Arlington Mill Drive and return over the same route.
- No. 56 From junction Shirlington Road and South 29th Street over South 29th Street to junction South Quincy Street and return over the same route.

- No. 57 From junction Shirlington Road and South 28th Street over South 28th Street to junction South Randolph Street and return over the same route.
- No. 58 From junction South 29th Street and Shirlington Road [8] over Shirlington Road to junction South Glebe Road and return over the same route.
- No. 59 From junction Shirlington Road and South 24th Road over South 24th Road to junction South Glebe Road, and return over the same route.
- No. 60 From junction Virginia Highway No. 7 and Quaker Lane over Quaker Lane to junction Virginia Highway No. 350 (Shirley Memorial Highway) and return over the same route.
- No. 61 From junction Virginia Highway No. 7 and South Wakefield Street over South Wakefield Street to junction South 34th Street, thence over South 34th Street to junction South Utah Street, thence over South Utah Street to junction South 36th Street, and return over the same route.
- No. 62 From junction South Wakefield Street and South 36th Street over South 36th Street to junction Quaker Lane and return over the same route.
- No. 63 From junction South 36th Street and South Stafford Street over South Stafford Street to junction South 32nd Road, thence over South 32nd Road to junction Quaker Lane, and return over the same route.
- No. 64 From junction Quaker Lane and South 33rd Street over South 33rd Street to junction South Stafford Street and return over the same route.
- No. 65 From junction South Utah Street and South 34th Street over South 34th Street to junction South Stafford Street, and return over the same route.
- No. 66 From junction Quaker Lane and South Utah Street over South Utah Street to junction South Stafford

Street, thence over South Stafford Street to junction South 32nd Road, thence over South 32nd Road to junction South Utah Street, thence over South Utah Street to junction South 34th Street, thence over South 34th Street to access roads across Shirley Memorial Highway to junction South Abingdon Street, thence over south Abingdon Street to junction South 31st Street, and return over the same route.

- [9] No. 67 From junction Virginia Highway No. 7 and South 31st Street over South 31st Street to junction South Quincy Street, thence over South Quincy Street to junction Arlington Mill Drive, and return over the same route.
- No. 68 From junction Virginia Highway No. 7 and South 28th Street over South 28th Street to junction South Columbus Street, thence over South Columbus Street to junction South 29th Street, thence over South 29th Street to junction South Buchanan Street, thence over South Buchanan Street to junction South 31st Street, and return over the same route.
- No. 69 From junction South 29th Street and South Buchanan Street over South Buchanan Street to junction South 27th Road, and return over the same route.
- No. 70 From junction South 31st Street and South Columbus Street over South Columbus Street to junction South 28th Street, and return over the same route.
- No. 71 From junction South Buchanan Street and South 30th Street over South 30th Street to junction Virginia Highway No. 7, and return over the same route.
- No. 72 From junction South Walter Reed Drive and South Wakefield Road over South Wakefield Road to junction South 28th Road, and return over the same route.
- No. 73 From junction Virginia Highway No. 7 and South Walter Reed Drive over South Walter Reed Drive to junction Arlington Mill Drive, thence over Arlington Mill Drive to junction Shirlington Road, and return over the same route.

- No. 74 From junction Columbia Pike and South Cleveland Street over South Cleveland Street to junction South 11th Road, thence over South 11th Road to junction South Barton Street, and return over the same route.
- No. 75 From junction South Edgewood Street and South 13th Road over South 13th Road to junction South Barton Street, and return over the same route.
- No. 76 From junction Columbia Pike and South Barton Street over South Barton Street to junction South 16th Street, thence over South 16th Street to junction South Edgewood Street, and return over the same route.
- [10] No. 77 From junction South Walter Reed Drive and South 16th Street over South 16th Street to junction South Edgewood Street, thence over South Edgewood Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 78 From junction South 16th Street and South Highland Street over South Highland Street to junction South 14th Street, and return over the same route.
- No. 79 From junction South Glebe Road and South 14th Street over South 14th Street to junction South Walter Reed Drive and return over the same route.
- No. 80 From junction South Glebe Road and South Walter Reed Drive over South Walter Reed Drive to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 81 From junction South Glebe Road and South 14th Street over South 14th Street to junction South Quincy Street, thence over South Quincy Street to junction South 16th Street, and return over the same route.
- No. 82 From junction South Glebe Road and South 18th Street over South 18th Street to junction South Quincy Street, thence over South Quincy Street to junction South 16th Street, thence over South 16th Street to junction South Glebe Road, and return over the same route.

- No. 83 From junction South Quincy Street and South 16th Street over South 16th Street to junction South Vermont Street thence over South Vermont Street to junction South 18th Street, thence over South 18th Street to junction South Four Mile Run Drive, thence over South Four Mile Run Drive to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 84 From junction South Four Mile Run Drive and South Wakefield Street over South Wakefield Street to junction South 4th Street, thence over South 4th Street to junction South Taylor Street, thence over South Taylor Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 85 From junction South Wakefield Street, and South 9th Street over South 9th Street to junction South Taylor Street, and return over the same route.
- [11] No. 86 From junction South Wakefield Street and South 8th Street over South 8th Street to junction South Buchanan Street, thence over South Buchanan Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 87 From junction Virginia Highway No. 7 and Hardin Street over Hardin Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 88 From junction Virginia Highway No. 7 and Glen Carlyn Road over Glen Carlyn Road to junction South 5th Street thence over South 5th Street to junction South Carlyn Springs Road, thence over South Carlyn Springs Road to junction South 8th Road, thence over South 8th Road to junction South Greenbrier Street, thence over South Greenbrier Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 89 From junction Glen Carlyn Drive and Vista Drive over Vista Drive to junction Lake Street, thence over Lake Street to junction Knollwood Drive, and return over the same route.



- No. 90 From junction Virginia Highway No. 7 and Carlyn Court over Carlyn Court to junction Argyle Drive, thence over Argyle Drive to junction Glen Carlyn Drive, thence over Glen Carlyn Drive to junction Knollwood Drive, thence over Knollwood Drive to junction Lake Street, thence over Lake Street to junction Tyler Street, thence over Tyler Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 91 From junction Virginia Highway No. 236 and Heritage Drive over Heritage Drive to junction Americana Drive, thence over Americana Drive to Apartment's Parking Lot, and return over the same route.
- No. 92 From junction Virginia Highway No. 236 and U. S. Highway No. 495 (Capital Beltway) over U. S. Highway No. 495 (Capital Beltway) east to junction U. S. Highway No. 1 (Jefferson Davis Highway), and return over the same route.
- No. 93 From junction Virginia Highway No. 236 and Ravensworth Road over Ravensworth Road to junction Elgar Street, thence over Elgar Street to junction Heming Avenue, thence over Heming Avenue to junction Leesville [12] Boulevard, thence over Leesville Boulevard to junction Joplin Street, thence over Joplin Street to junction Axton Street, thence over Axton Street to junction Heming Avenue, and return over the same route.
- No. 94 From junction Virginia Highway No. 244 and Virginia Highway No. 617 over Virginia Highway No. 617 to junction Virginia Highway No. 644, thence over Virginia Highway No. 644 to junction Virginia Highway No. 643, thence over Virginia Highway No. 643 to junction Virginia Highway No. 645, thence over Virginia Highway No. 645 to junction Virginia Highway No. 652, thence over Virginia Highway No. 652 to Burke, Virginia, Airport, and return over the same route.

- No. 95 From junction Virginia Highway No. 350 and proposed Burke, Virginia, Airport Access Road over proposed Burke, Virginia, Airport Access Road to Burke, Virginia, Airport, and return over the same route.
- No. 96 From junction Backlick Road and Edsall Road over Edsall Road to junction Beryl Road, thence over Beryl Road to junction Sheldon Drive, thence over Sheldon Drive to junction Indian Run Parkway, thence over Indian Run Parkway to junction Edsall Road, thence over Edsall Road to junction Beryl Road, and return over the same route.
- No. 97 From junction Franconia Road and Frontier Street over Frontier Street to junction Buckskin Street, thence over Buckskin Street to junction Pioneer Drive, thence over Pioneer Drive to junction Franconia Road, and return over the same route.
- No. 98 From junction Telegraph Road and Franconia Road over Franconia Road to junction Keene Mill Road, thence over Keene Mill Road to junction Hanover Avenue, thence over Hanover Avenue to junction Floyd Avenue, thence over Floyd Avenue to junction Backlick Road, and return over the same route.
- No. 99 From junction Duke Street and Telegraph Road over Telegraph Road to junction Franconia Road, and return over the same route.
- [13]  
No. 100 From junction Huntington Avenue, Telegraph Road and North Kings Highway over North Kings Highway to junction U.S. Highway No. 1 and return over the same route.
- No. 101 From junction U. S. Highway No. 1 and Huntington Avenue over Huntington Avenue to junction Telegraph Road, and return over the same route.
- No. 102 From junction U. S. Highway No. 1 and Old U.S. Highway No. 1, over Old U. S. Highway No. 1 to junction Huntington Avenue, and return over the same route.

- No. 103 From junction Fort Hunt Road and Belle View Boulevard, over Belle View Boulevard to junction Mount Vernon Memorial Highway, and return over the same route.
- No. 104 From junction Belle View Boulevard and Potomac Avenue over Potomac Avenue to junction River Towers Roadway, thence over River Towers Roadway to junction West Wakefield Street, thence over West Wakefield Street to junction Belle View Boulevard, and return over the same route.
- No. 105 From junction Windsor Avenue and Belle Haven Road over Belle Haven Road to junction Mount Vernon Memorial Highway, and return over the same route.
- No. 106 From junction Fort Hunt Road and G Street, over G Street to junction Potomac Avenue, thence over Potomac Avenue to junction Belle Haven Road, and return over the same route.
- No. 107 From junction Belle Haven Road and Windsor Avenue over Windsor Avenue to junction Olmi-Landrith Drive, thence over Olmi-Landrith Drive to junction Cavalier Drive, thence over Cavalier Drive to junction Cornell Drive, thence over Cornell Drive to junction Belle View Boulevard, thence over Belle View Boulevard to junction Swarthmore Drive, thence over Swarthmore Drive to junction Dartmouth Drive, thence over Dartmouth Drive to junction Duke Drive, thence over Duke Drive to junction Sweetbriar Drive, thence over Sweetbriar Drive to junction Radcliffe Drive, thence over Radcliffe Drive to junction Mary Baldwin Drive, thence over Mary Baldwin Drive to junction Kenyon Drive, thence over Kenyon Drive to [14] junction Beacon Hill Road, thence over Beacon Hill Road to junction Smithway Drive, thence over Smithway Drive to junction Mary Baldwin Drive, thence over Mary Baldwin Drive to junction Radcliffe Drive, thence over Radcliffe Drive to junction Rollins Drive, thence over Rollins Drive to junction Columbia Drive, thence over Columbia Drive to junction Quander

Road, thence over Quander Road to junction Williams Drive, thence over Williams Drive to junction Belle View Boulevard, thence over Belle View Boulevard to junction Cavalier Drive, thence over Cavalier Drive to junction Cornell Drive, and return over the same route.

- No. 108 From junction Mount Vernon Memorial Highway and Vernon View Drive (Virginia Highway No. 629) over Vernon View Drive (Virginia Highway No. 629), to junction Fort Hunt Road (Virginia Highway No. 629), thence over Fort Hunt Road (Virginia Highway No. 629), to junction U. S. Highway No. 1 (Jefferson Davis Highway), and return over the same route.
- No. 109 From junction U. S. Highway No. 1 and Virginia Highway No. 235 over Virginia Highway No. 235 to junction Mount Vernon Memorial Highway at Mount Vernon, Virginia, and return over the same route.
- No. 110 Over all interchange points and access and interchange routes where traversal is required in the performance of transportation service over routes authorized herein.

NOTE: The repetition of route description with respect to the highway over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

#### IRREGULAR ROUTES:

Passengers and their baggage:

##### (A) CHARTER OPERATIONS:

Round-trip or one-way:

- (1) From points in Washington, D. C. the City of Alexandria, that portion of Arlington County on, south and east of U. S. Highway 50, and that part of Fairfax County on, south and east of a line beginning at the intersection of U. S. Highway 50 and the Fairfax-Arlington Counties boundary line, west

on U. S. Highway 50 to its intersection with the capital Beltway [15] (U. S. Interstate Highway 495), thence south on the Capital Beltway (U. S. Interstate Highway 495) at its intersection with Virginia State Highway 236, thence west on Virginia State Highway 236 to its intersection with Virginia State Highway 651, thence south on Virginia State Highway 651 to its intersection with Virginia State Highway 620, thence west on Virginia State Highway 620 to its intersection with U. S. Highway 29-211, and thence west on U. S. Highway 29-211 to the intersection of the Fairfax and Loudoun Counties boundary line, to points in the Metropolitan District.

(2) From points on its routes, and a territory within one mile thereof, in Prince Georges County, Maryland, to points within the Metropolitan District.

(3) From the Dulles International <sup>al</sup>Airport, Virginia, to points within the Metropolitan District.

(B) SPECIAL OPERATIONS:

Round-trip or one-way:

(1) Between points on its regular routes in Virginia authorized herein, on the one hand, and points within the District of Columbia, on the other.

(2) Between points in the District of Columbia; restricted so that no daily nor regularly scheduled sightseeing operations shall be conducted between points in the District of Columbia.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.



WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
[Exhibit 88, cont'd] NO. 4

WASHINGTON, VIRGINIA AND MARYLAND COACH  
COMPANY, INC. ARLINGTON, VIRGINIA

At a session of the Washington Metropolitan Area Transit Commission held on the \_\_\_\_ day of \_\_\_\_, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passenger.

Between Washington, D. C. and points in Virginia; and between points in Virginia and points in Maryland, serving all intermediate points; restricted, however, unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland and the District of Columbia, as follows:

- No. 1 From Washington, D. C., over city streets to Chain Bridge, thence over Chain Bridge to junction Virginia Highway 123 and thence over Virginia Highway 123 to the City of Fairfax, Virginia, and return over the same route.
- [2]  
No. 2 From Washington, D. C., over city streets to Key Bridge, thence over Key Bridge to Rosslyn, Virginia thence over Lee Highway (U. S. Highway 29-211) to the City of Fairfax, Virginia, and return over the same route.
- No. 3 From Washington, D.C., over city streets to Arlington Memorial Bridge, thence over Arlington Memorial Bridge to connecting highway and access road to junction U.S. Highway 50 (Arlington Boulevard), thence over U. S. Highway 50 to junction Virginia Highway 838 (Sully Road), thence over Virginia Highway 838 (Sully Road), to junction unnumbered Dulles Airport Access Highway, including all interchange points and access and interchange routes, and return over the same route.
- No. 4 From Washington, D. C. over city streets to 14th Street twin Bridges (one on the east known as Rochambeau and one on the west known as George Mason Memorial) to junction U. S. Highway 1, thence over U. S. Highway 1 to junction U. S. Highway 350, thence over U. S. Highway 350 to Washington Boulevard (Virginia Highway 237), and return over the same route.
- No. 5 From Washington, D. C. over city streets to Arlington Memorial Bridge, thence over Arlington Memorial Bridge and connecting highways and access roads to junction Washington Boulevard (Virginia Highway 237), thence over Washington Boulevard (Virginia Highway 237), to junction of Lee Highway (U. S. Highway 29-211), including all interchange points and access and interchange routes, and return over the same route.
- No. 6 From Washington, D. C. over city streets to Arlington Memorial Bridge, thence over Arlington Memorial

Bridge to junction Arlington Memorial Drive, thence over Arlington Memorial Drive to junction Arlington Ridge Road, and return over the same route.

- No. 7 From Washington, D. C. over city streets and Potomac River Bridges and connecting highways and access roads to junction George Washington Memorial Parkway, thence over George Washington Memorial Parkway to junction Virginia Highway 123, thence over Virginia Highway 123 to junction unnumbered Dulles Airport Access Highway to Dulles Airport, including all interchange points and access and interchange routes, and return over the same route.
- [3]  
No. 8 From Washington, D. C. over city streets to Arlington Memorial Bridge, Theodore Roosevelt Bridge and Key Bridge, thence over said Bridges and connecting highways, and access roads to junction Interstate Highway 66, thence over Interstate Highway 66 to junction U. S. Highway 50, Fairfax County, Virginia, including all interchange points and access and interchange routes, and return over the same route.
- No. 9 From junction Arlington Ridge Road and Jefferson Davis Highway, over Jefferson Davis Highway to U. S. Highway 350, including all interchange points and access and interchange routes, and return over the same route.
- No. 10 From junction U. S. Highway 1 and Shirley Memorial Highway, (U. S. Highway 350), and access road to and from the Pentagon Building, over access road, parking lot area's to junction of Columbia Pike, thence over Columbia Pike to junction South Gate Road, thence over South Gate Road to junction South Orme Street, and return over the same route.
- No. 11 From junction 19th Street and Fort Myer Drive, over 19th Street to Arlington Ridge Road, thence over Arlington Ridge Road to junction of South Gate Road and Columbia Pike (Virginia Highway 244), including all interchange points and access and interchange routes, and return over the same route.

- No. 12 From junction of South Gate Road and Columbia Pike, over Columbia Pike to junction Washington Boulevard (Virginia Highway 237), including all interchange points and access and interchange routes, and return over the same route.
- No. 13 From junction U. S. Highway 50 and George Washington Memorial Parkway, over George Washington Memorial Parkway to junction of Interstate Highway 495, including all interchange points and access and interchange routes, and return over the same route.
- No. 14 From junction Arlington Boulevard (U. S. Highway 50), and North Lynn Street, over North Lynn Street to Virginia end of Key Bridge, and return over the same route.
- No. 15 From junction Arlington Boulevard (U.S. Highway 50), and Fort Myer Drive, over Fort Myer Drive to Junction Lee Highway (U.S. Highway 29-211), and return over [4] the same route.
- No. 16 From junction Arlington Boulevard (U. S. Highway 50) and Pershing Drive, over Pershing Drive to junction North George Mason Drive and return over the same route.
- No. 17 From junction Arlington Boulevard (U. S. Highway 50), and North George Mason Drive, over North George Mason Drive to Henderson Road, thence over Henderson Road to North 2nd Street, thence over North 2nd Street to Park Drive, thence over Park Drive to Arlington Boulevard (U. S. Highway 50), and return over the same route.
- No. 18 From junction Arlington Boulevard (U. S. Highway 50) and North Granada Street, over North Granada Street to Greenbrier Street, thence over Greenbrier Street to North Carlyn Spring Road, thence over North Carlyn Spring Road to South 5th Street, thence over South 5th Street to Lexington Street, thence over Lexington Street to South 1st Street, thence over South 1st Street to Carlyn Spring Road, and return over the same route.
- No. 19 From junction Washington Boulevard (Virginia Highway 237), and South Uhle Street, over South Uhle Street to

South Second Street, thence over South Second Street to junction Glebe Road (Virginia Highway 120), and return over the same route.

- No. 20 From junction of South Second Street and South Filmore Street, over South Filmore Street to South Walter Reed Drive, thence over South Walter Reed Drive to junction Glebe Road (Virginia Highway 120), thence over Glebe Road (Virginia Highway 120) to Shirlington Road, thence over South 28th Street to South Randolph Street, thence over South Randolph Street to South 31st Street, thence over South 31st Street to South Quincy Street, thence over South Quincy Street to South Arlington Mill Drive, thence over South Arlington Mill Drive to Shirlington Road, and return over the same route.
- No. 21 From junction Washington Boulevard (Virginia Highway 237), and Garfield Street, over Garfield Street to junction Wilson Boulevard, and return over the same route.
- [5]  
No. 22 From junction North Woodrow Street and North Fairfax Drive, over North Fairfax Drive to junction Washington Boulevard and return over the same route.
- No. 23 From junction Arlington Ridge Road and Wilson Boulevard, over Wilson Boulevard to junction Arlington Boulevard (U. S. Highway 50) and Virginia Highway 7, and return over the same route.
- No. 24 From junction Wilson Boulevard and North Moore Street, over North Moore Street to Virginia end of Key Bridge and return over the same route.
- No. 25 From junction Wilson Boulevard and 10th Street, over 10th Street to junction North Fairfax Drive, and return over the same route.
- No. 26 From junction Wilson Boulevard and Livingston Street, over Livingston Street to 10th Road, thence over 10th Road to junction McKinley Road, and return over the same route.



- No. 27 From junction 10th Road and North Madison Street, over Madison Street to Four Mile Run Drive, thence over Four Mile Run Drive, to 12th Road, thence over 12th Road to McKinley Road, thence over McKinley Road to junction Wilson Boulevard, and return over the same route.
- No. 28 From junction Wilson Boulevard and Payton Randolph Drive, over Payton Randolph Drive to Arlington Boulevard (U. S. Highway 50), and return over the same route.
- No. 29 From junction Payton Randolph Drive and Willston Drive, over Willston Drive to Patrick Henry Drive, thence over Patrick Henry Drive to Virginia Highway 7, and return over the same route.
- No. 30 From junction Lee Highway (U. S. Highway 29-211), and Spout Run Parkway, over Spout Run Parkway to junction George Washington Memorial Parkway, and return over the same route.
- No. 31 From junction Lee Highway (U.S. Highway 29-211), and Military Road, over Military Road to junction Glebe Road (Virginia Highway 120), and return over the same route.
- [6]  
No. 32 From junction Old Dominion Drive, (Virginia Highway 309) and Lee Highway (U. S. Highway 29-211), over Old Dominion Drive (Virginia Highway 309), to Great Falls Park, and return over the same route.
- No. 33 From junction Lee Highway (U. S. Highway 29-211), and George Mason Drive, over George Mason Drive to Yorktown Boulevard, thence over Yorktown Boulevard to Edison Street, thence over Edison Street to junction Little Falls Road, and return over the same route.
- No. 34 From junction Lee Highway (U. S. Highway 29-211), and Fairfax Drive, over Fairfax Drive to Westmoreland Street, thence over Westmoreland Street to Chain Bridge Road, (Virginia Highway 123), and return over the same route.

- No. 35 From junction U. S. Highway 29-211 and Shreve Street (Virginia Highway 649), over Virginia Highway 649 and/or Shreve Street to junction Virginia Highway 236, thence over Virginia Highway 236 to junction Backlick Road, thence over Backlick Road to junction Maple Street, thence over Maple Street to junction Virginia Highway ~~Highway~~ 649, and return over the same route.
- No. 36 From junction Lee Highway (U. S. Highway 29-211) and Gallows Road (Virginia Highway 650), over Virginia Highway 650 to junction Virginia Highway 709 (also known as Gallows Road), thence over Virginia Highway 709 to Junction Virginia Highway 649, and return over the same route.
- No. 37 From junction Virginia Highway 123 and Glebe Road (Virginia Highway 120), over Glebe Road (Virginia Highway 120), to junction of Columbia Pike (Virginia Highway 244), thence over Columbia Pike (Virginia Highway 244), to junction of Walter Reed Drive, and return over the same route.
- No. 38 From junction Glebe Road (Virginia Highway 120) and Little Falls Road, over Little Falls Road to Sycamore Street, thence over Sycamore Street to Little Falls Road, thence over Little Falls Road to Trinidad Street, thence over Trinidad Street to Williamsburg Boulevard, thence over Williamsburg Boulevard to junction Westmoreland Street, and return over the same route.
- No. 39 From junction Williamsburg Boulevard and Powhatan Street, over Powhatan Street to Rockingham Street, (Virginia Secondary Highway 691), thence over Rockingham Street to Maryland Avenue, thence over Maryland Avenue to Rhode Island Avenue, thence over Rhode Island Avenue to Massachusetts Avenue, thence over Massachusetts Avenue to Park Road, thence over Park Road to junction Old Dominion Drive (Virginia Highway 309), and return over the same route.
- No. 40 From junction Virginia Highway 7 and Dulles Airport

Access Highway, over Virginia Highway 7 to junction Virginia Secondary Highway 1078 (also over Virginia Secondary Highway 1078 to junction Virginia Highway 7), and return over the same route.

- No. 41 From junction Virginia Highway 7 and Hillwood Avenue, thence over Hillwood Avenue to junction Lee Highway (U. S. Highway 29-211), and return over the same route.
- No. 42 From junction Virginia Highway 7 and Virginia Highway 650, over Virginia Highway 650 to Virginia Highway 695, thence over Virginia Highway 695 to junction Virginia Highway 7, and return over the same route.
- No. 43 From junction Virginia Highway 7 and Pimmit Drive, over Pimmit Drive to Griffith Road, thence over Griffith Road to Lisle Avenue, thence over Lisle Avenue to junction Virginia Highway 7, and return over the same route.
- No. 44 From junction Virginia Highway 123 and Virginia Highway 193, over Virginia Highway 193 to junction Interstate Highway 495, including all interchange points and access and interchange routes, and return over the same route.
- No. 45 From junction of Interstate Highway 66 and Airport Access Highway, over Airport Access Highway to its junction with Virginia Highway 123 and Interstate Highway 495, including all interchange points and access and interchange routes, and return over the same route.
- No. 46 From junction Virginia Highway 236 and Interstate Highway 495, over Interstate Highway 495 to junction of Maryland Highway 190, including all interchange [8] points and access and interchange routes, and return over the same route.

The authority granted herein to operate over interchange points and access and interchange routes shall

be construed to authorize only operations essential to the performance of transportation service over routes specifically described and authorized herein.

NOTE: The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

#### IRREGULAR ROUTES:

Passengers and their baggage:

##### (a) CHARTER OPERATIONS:

Round-trip or one-way:

(1) From points in Washington, D. C., the City of Fairfax, and that portion of Arlington and Fairfax Counties, Virginia, north and west of U. S. Highway 350 (Shirley Memorial Highway), to Arlington County Line, Virginia State Highway 244 to Annandale, Virginia State Highway 236, to Guinea Road (Route 651), to Braddock Road (Route 620), to intersection U. S. Highway 29-211, over 29-211 to Fairfax County line, to points in the Metropolitan District.

(2) From the Dulles International Airport and the Washington National Airport, Virginia, to points in the Metropolitan District.

##### (b) SPECIAL OPERATIONS:

Round-trip or one-way:

Between points on its regular routes in Virginia, except the Dulles International Airport, authorized herein, on the one hand, and points within the District of Columbia, on the other.

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WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
[Exhibit 88, cont'd] NO. 8

W M A TRANSIT COMPANY  
BRADBURY HEIGHTS, MARYLAND

At a session of the Washington Metropolitan Area Transit Commission held on the \_\_\_\_ day of \_\_\_\_, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

REGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passengers.

(A) Between Washington, D. C. and points in Maryland; and between points in Maryland, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in the District of Columbia.

No. 1 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland Route 4, 57th



Avenue, Maryland Routes 214, 389, 704, Greenleaf Road, 82nd Avenue, Barlowe Road, Maryland Route 202, Prince Georges Avenue, Hawthorne Street, 73rd Avenue, Forest Road, 74th Avenue to Kent Village, and return over the same route.

- [2]  
No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.
- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.
- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.
- No. 7 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker

Road, Bock Road, Hempstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.

- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- No. 9 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Birchwood Drive, Fenwood Avenue, Galloway Drive, Birchwood Drive, Livingston Road, Wentworth Drive, Haven Avenue, Shelby Drive, Leyte Drive, Lindsay Road, Vinson Street, Wilmette Drive to Southlawn and return over the same route.
- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D. C. over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland 4 57th Avenue, Maryland Route 214 to Beverley Beach and return over the same route.
- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.
- No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.

- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 and 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.
- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, [4] Maryland Route 414, Temple Hills Road, Fisher Road, David Drive, Janice Lane, Norris Drive to Temple Hills and return over the same route.
- No. 20 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, Marlow Heights Shopping Center Service Road, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, Maryland Route 414, Temple Hills Road, Fisher Road, David Drive, Janice Lane, Norris Drive to Temple Hills, and return over the same route.
- No. 21 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 210, Livingston Road, Old Fort Road, Jefferson Street, Madison Place, Monroe Street, Livingston Road, Maryland Routes 210, 227, Bryan's Station Road, Maryland Routes 225, 210 to Indian Head and return over the same route.
- No. 22 From junction of Maryland Routes 210 and 227, over Maryland Route 227 to Marshall Hall and return over the same route.

- No. 23 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland Route 4, Gateway Boulevard, 72nd Avenue, Business Maryland Route 4, Maryland Routes 534, 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 24 From junction of Maryland Route 534 and Business Maryland Route 4, over Maryland Route 534 to Maryland Route 221 and return over the same route.
- No. 25 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 4, Maryland Avenue Park-Berkshire Drive, Maryland Avenue, Maryland Route 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 26 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 218, 337, Auth Road, Carswell Avenue, Maxwell Avenue, Maryland Route 337 to Andrews Air Force Base and return over the same route.
- [5]  
No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.
- No. 28 From Washington, D. C. over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road, Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.
- No. 29 From junction of Maryland Route 193 and Edmonston Road, over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.
- No. 30 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.

- No. 31 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varnum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road, over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.
- No. 35 From junction of Southern Avenue and South Capital Street, over Southern Avenue, Oakcrest Drive to Southview Apartments and return over the same route.
- [6] No. 36 From junction of Southern Avenue and South Capital Street, over Maryland Route 210, Parkway Drive, Seneca Drive, Oneida Way, Rolph Way, Woodland Drive, Parkway Drive, Maryland Route 210, Kirby Hill Road, Oxon Hill Road to Kirby Hill and return over the same route.
- (B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia serving all intermediate points as follows:
- (1) Along Pennsylvania Avenue, S.E., east of the Anacostia River to Southern Avenue.
  - (2) Along 38th Street, S.E. from Pennsylvania Avenue, S. E. to Suitland Road, S. E.



- (3) Along Suitland Road, S.E. from 38th Street, S. E. to Southern Avenue.
  - (4) Along Southern Avenue from Branch Avenue to Benning Road, S. E.
  - (5) Along Alabama Avenue, S.E. from 38th Street, S. E. to Bowen Road, S. E.
  - (6) Along Bowen Road, S. E. from Alabama Avenue, S.E. to Southern Avenue.
  - (7) Along Benning Road, S.E. from Southern Avenue to Hanna Place, S. E.
  - (8) Along Hanna Place, S.E. from Benning Road, S.E. to H Street, S.E.
  - (9) Along H Street, S. E. from Hanna Place, S.E. to Alabama Avenue, S.E.
  - (10) Along Alabama Avenue, S. E. from H Street, S.E. to Hillside Road, S.E.
  - (11) Along Hillside Road, S.E. from Alabama Avenue, S.E. to Benning Road, S.E.
  - (12) Along Ridge Road, S.E. from Bowen Road, S.E. to Southern Avenue.
- (C) Between points within the District of Columbia west of 60th and East Capital Streets, N.E. and points within the District of Columbia, serving all intermediate points as follows:
- (1) Along East Capital Street from 60th Street, N.E. to Southern Avenue.
  - (2) Along 63rd Street, N. E. from Southern Avenue to Eastern Avenue.
  - (3) Along Southern Avenue from 63rd Street, N.E. to Eastern Avenue.
  - (4) Along Eastern Avenue from 63rd Street, N.E. to Southern Avenue.
  - (5) Along Eastern Avenue from Addison-Chapel Road to Kenilworth Avenue.
- [7] (D) Between the Downtown Terminal and South Capital Street at Firth Sterling Avenue on Mondays thru Fridays, holidays excepted, during the periods of day

when passenger service on South Capital Street at the parking lot is not provided by D. C. Transit System, Inc.

NOTE: The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

IRREGULAR ROUTES:

Passengers and <sup>their</sup> baggage:

(A) CHARTER OPERATIONS:

Round-trip or one-way;

(1) From points in the District of Columbia to points in the Metropolitan District.

(2) From points in that portion of Prince Georges County, Maryland, lying east of U. S. Highway 1 to points in the Metropolitan District.

(B) SPECIAL OPERATIONS:

Round-trip or one-way;

Between points on its regular routes, authorized herein, on the one hand, and points within the District of Columbia and Prince Georges County, Maryland, on the other.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in <sup>pursuant</sup> ~~pursuant~~ of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

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## [Exhibit 94]

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 156

Served June 14, 1962

## IN THE MATTER OF:

A. B. & W. Transit Company  
Application for Authority to  
Revise Certain of Its Routes  
Operating Between Washington,  
D. C., and Points in Virginia

Application No. 207

On June 1, 1962, A. B. & W. Transit Company applied to revise certain of its routes operating between Washington, D. C., and Virginia. The following is a detailed description of these routes:

LINCOLNIA - WASHINGTON LINE  
VIA N. FAIRLINGTON - SHIRLINGTON -  
PENTAGON - MEMORIAL BRIDGE

TO WASH-    Leave Duke St. & N. Beauregard St. via Duke St.  
INGTON:    to State Route 713; right on State Route 713 into  
N. Chambliss St.; via N. Chambliss St. to N.  
Morgan St.; right on N. Morgan St. to N. Beaure-  
gard St.; left on N. Beauregard St. to King St.  
(Route 7) right on King St. to S. 28th St.; left on  
S. 28th St. to S. 29th St.; right on S. 29th St. to  
S. Buchanan St.; right on S. Buchanan St. to S.  
31st St.; left on S. 31st St. to S. Randolph St.;  
left on S. Randolph St. to S. 28th St.; right on S.  
28th St. to Shirlington Rotary; via Shirlington  
Rotary to Shirley Highway; via Shirley Highway  
to Bridge No. 11 thence via ramp to S. Hayes St.;  
right on S. Hayes St. to 50 foot roadway; right on  
50 foot roadway to Lane 20; left via Lane 20 into  
Pentagon; thence via Pentagon Road System to Jef-

ferson Davis Highway; via Jefferson Davis Highway to Memorial Ave.; right on Memorial Ave. and Memorial Bridge to Lincoln [2] Memorial Circle; via Circle to 23rd St.; right on 23rd St. to Constitution Ave.; right on Constitution Ave. to 12th St.; left on 12th St. to Terminal.

TO LIN-  
COLNIA:

Leave via Pa. Ave. to 10th St.; right on 10th St. to Constitution Ave.; right on Constitution Ave. to 23rd St.; left on 23rd St. to Lincoln Memorial Circle; right and via Circle to Memorial Bridge; via Memorial Bridge and Memorial Ave. to ramp to Jefferson Davis Highway; right into ramp and via Jefferson Davis Highway to Pentagon Bldg.; leave Pentagon via Pentagon Road System to Shirley Highway; thence via Shirley Highway to Shirlington Rotary; right and via rotary to S. 28th St.; right on S. 28th St. to S. Randolph St.; left on S. Randolph St. to S. 31st St.; right on S. 31st St. to S. Buchanan St.; right on S. Buchanan St. to S. 29th St.; left on S. 29th St. to S. 28th St.; left on S. 28th St. to King St. (Route 7); right on King St. to N. Beauregard St.; left on N. Beauregard St. to N. Morgan St.; right on N. Morgan St. to N. Chambliss St.; left on N. Chambliss St. to Lincolnia Road; left on Lincolnia Road to Beauregard St.; right on Beauregard St. to Duke St.; right on Duke St. to layover point on Duke St. in front of Sanitary and Hardware Stores.

A. M. express buses will make only one stop at Gulf Station in Shirlington. P. M. express buses will make only one stop at Peoples Drug Store in Shirlington.

ALEXANDRIA - WASHINGTON LINE  
VIA KING STREET - PARKFAIRFAX -  
HIGHWAY BRIDGE

TO WASH-  
INGTON:

Leave Royal Terminal via Pendleton St. to Fairfax St.; right on Fairfax St. to King St.; right on King St. to Radford St.; right on Radford St. to Quaker Lane; right on Quaker Lane to Preston Road; right

on Preston Road to Martha Custis Drive; right on Martha Custis Drive to Valley Drive; left on Valley Drive to Holmes Lane; left on Holmes Lane to Martha Custis Dr.; left on Martha Custis Drive to Gunston Road; right on Gunston Road to [3] Shirlington Rotary; via Shirlington Rotary to S. 28th St.; right on S. 28th St. to S. Randolph St.; left on S. Randolph St.; to 31st St.; left on S. 31st St. into S. Quincy St. to S. 28th St.; right on S. 28th St. to Shirlington Rotary; via Rotary to Shirley Highway; thence via Shirley Highway; Highway Bridge, 14th St. to Independence Ave.; right on Independence Ave. to 7th St.; left on 7th St. to Constitution Ave.; left on Constitution Ave. to 12th St.; right on 12th St. to terminal.

TO ALEX-  
ANDRIA:

Leave via Pa. Ave. to 7th St.; right on 7th St. to Independence Ave.; right on Independence Ave. to 12th St.; left on 12th St. to C St.; right on C St. to 14th St., left on 14th St. and via Highway Bridge and Shirley Highway to Shirlington Rotary; right into Rotary to S. 28th St.; right on S. 28th St. to S. Randolph St.; left on S. Randolph St. to S. 31st St.; left on S. 31st St. into S. Quincy St. to S. 28th St.; right on S. 28th St. to Shirlington Rotary; right and via Rotary to Gunston Road; right on Gunston Road to Martha Custis Drive; left on Martha Custis Drive to Holmes Lane; right on Holmes Lane to Valley Drive; right on Valley Drive to Martha Custis Drive; right on Martha Custis Drive to Preston Road; left on Preston Road to Quaker Lane; left on Quaker Lane to King St.; left on King St. to Pitt St.; left on Pitt St. to Pendleton St.; right on Pendleton St. to Royal Terminal.

**ALEXANDRIA - WASHINGTON LINE VIA KING  
STREET - JANNEYS LANE - PARKFAIRFAX -  
HIGHWAY BRIDGE**

TO WASH-  
INGTON:

Via above route to King St. and Janneys Lane;  
thence left on Janneys Lane to Quaker Lane; right



on Quaker Lane to King St.; right on King St. to Radford St.; left on Radford St. to Quaker Lane and via above route.

[4] TO  
ALEX-  
ANDRIA:

Via above route to Preston Road and Quaker Lane; thence left on Quaker Lane to Janneys Lane; left on Janneys Lane to King St.; right on King St. and via above route.

**SHIRLEY DUKE - BROOKVILLE - WASHINGTON  
LINE VIA SEMINARY ROAD - S. FAIRLINGTON  
SHIRLINGTON - MEMORIAL BRIDGE**

TO WASH-  
INGTON:

Leave Shirley Duke via N. Jordan St. to N. Howard St.; right on N. Howard St. to Imboden St.; right on Imboden St. to N. Raleigh St.; right on N. Raleigh St. to Taney Ave.; right on Taney Ave. to N. Van Dorn St.; right on N. Van Dorn St. to Seminary Road; right on Seminary Road to Quaker Lane; left on Quaker Lane to King St.; left on King St. to S. Taylor St.; left on S. Taylor St. to Brad Lee service roadway; right on Brad Lee service roadway to Dearing St.; right on Dearing St. into S. Wakefield St.; via S. Wakefield St. to S. 34th St.; right on S. 34th St. to S. Utah St.; right on S. Utah St. to 36th St.; left on S. 36th St. to S. Stafford St.; left on S. Stafford St. to S. 32nd St.; right on S. 32nd St. to Quaker Lane; left on Quaker Lane to Shirlington Rotary; via Rotary to S. 28th St.; right on S. 28th St. to S. Randolph St.; left on S. Randolph St. to S. 31st St. into S. Quincy St. to S. 28th St.; right on S. 28th St. to Shirlington Rotary; via Rotary to Shirley Highway; via Shirley Highway and Washington Blvd. to Memorial Ave.; via Memorial Ave. and Memorial Bridge to Lincoln Memorial Circle; via Circle to 23rd St.; right on 23rd St. to Constitution Ave., right on Constitution Ave. to 12th St., left on 12th St. to Terminal.

TO  
SHIRLEY  
DUKE:

Leave via Pa. Ave. to 10th St.; right on 10th St. to Constitution Ave.; right on Constitution Ave. to 23rd St.; left on 23rd St. to Lincoln Memorial Circle; right

and via Circle to Memorial Bridge; thence via Memorial Bridge to cut-off to Washington Blvd.; right on [5] cut-off and via Washington Blvd. to Shirley Highway; thence via Shirley Highway to Shirlington Rotary; right and via Rotary to S. 28th St.; right on S. 28th St. to S. Randolph St.; left on S. Randolph St. to S. 31st St.; left on S. 31st St. into S. Quincy St. to S. 28th St.; right on S. 28th St. to Shirlington Rotary; right into Rotary to Quaker Lane; right on Quaker Lane to S. 32nd St.; right on S. 32nd St. to S. Stafford St.; left on S. Stafford St. to S. 36th St.; right on S. 36th St. to S. Utah St.; right on S. Utah St. to S. 34th St.; left on S. 34th St. to S. Wakefield St.; left on S. Wakefield St. into Dearing St. to Brad Lee service roadway; left on service roadway to Quaker Lane; right on Quaker Lane to Seminary Road; right on Seminary Road to N. Van Dorn St.; left on N. Van Dorn St. to Taney Ave.; left on Taney Ave. to N. Jordan St.; left on N. Jordan St. to Shirley Duke layover point.

**SHIRLEY DUKE - BROOKVILLE - WASHINGTON  
LINE VIA BRADDOCK ROAD - S. FAIRLINGTON  
SHIRLINGTON - MEMORIAL BRIDGE**

**TO WASHINGTON:** Via above route to N. Van Dorn and Seminary Road; right on Seminary Road to N. Howard St.; left on N. Howard St. to Braddock Road; right on Braddock Road to Quaker Lane; left on Quaker Lane to King Street; left on King St. and via above route.

**TO SHIRLEY DUKE:** Via above route to Brad Lee service roadway; left on service roadway to Quaker Lane; right on Quaker Lane to Braddock Road; right on Braddock Road to N. Howard St.; left on N. Howard St. to Seminary Road; right on Seminary Road and thence via above route.

**ALL TRIPS ON THIS LINE WILL OPERATE INTO THE LOOP AT THE ENTRANCE TO NEW ALEXANDRIA HOSPITAL IN BOTH DIRECTIONS.**

[6] RUSH-HOUR SERVICE VIA SHIRLEY  
HIGHWAY FROM AND TO BROOKVILLE &  
SHIRLEY DUKE

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- NORTH-BOUND:** Leave Center Theatre via Radford St. to Osage St.; left on Osage St. to Quaker Lane; left on Quaker Lane to Duke St.; right on Duke St. to N. Jordan St.; right on N. Jordan St. to N. Howard St.; right on Howard St. to Imboden St.; right on Imboden St. to N. Raleigh St.; right on N. Raleigh St. to Taney Ave.; right on Taney Ave. to N. Van Dorn St.; right on N. Van Dorn St. to Seminary Rd.; left on Seminary Rd. to Shirley Highway; right on Shirley Highway.
- SOUTH-BOUND:** Via Shirley Highway to Seminary Rd.; left on Seminary Rd. to N. Van Dorn St.; right on N. Van Dorn St. to Taney Ave.; left on Taney Ave. to N. Jordan St.; left on N. Jordan St. to N. Howard St.; right on N. Howard St. to Imboden St.; right on Imboden St. to N. Raleigh St.; right on N. Raleigh St. to Taney Ave.; right on Taney Ave. to N. Jordan St.; left on N. Jordan St. to Duke St.; left on Duke St. to Quaker Lane; left on Quaker Lane to King St.; right on King St. to Braddock Road; left on Braddock Road to Radford St.; left on Radford St. to Center Theatre.

FORT BELVOIR - WASHINGTON LINE  
VIA JEFFERSON DAVIS HIGHWAY

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- TO WASHINGTON:** Via U. S. Number 1 Highway to S. Patrick St.; left on S. Patrick St. to Franklin St.; right on Franklin St. to Washington St.; left on Washington St. to Powhatan St.; left on Powhatan St. to Monroe Ave.; left on Monroe Ave. to Jefferson Davis Highway; right on Jefferson Davis Highway to ramp to Shirley Highway; right on ramp and Shirley Highway to Highway Bridge; via Highway Bridge and 14th Street to Independence Ave.; right on Independence Ave. to 7th Street; left on 7th St. to Constitution Ave.; left

on Constitution Ave. to 14th St.; right on 14th St. to Pa. Ave.; right on Pa. Ave. to 12th St.; right on 12th St. to layover point.

[7] TO  
FORT  
BELVOIR:

Via 12th St. to Constitution Ave.; left on Constitution Ave. to 7th St.; right on 7th St. to Independence Ave.; right on Independence Ave. to 12th St.; left on 12th St. to C St.; right on C St. to 14th St.; left on 14th St. and via Highway Bridge and Shirley Highway to Jefferson Davis Highway; left on Jefferson Davis Highway to ~~Monroe~~ <sup>Monroe</sup> Ave.; left on Monroe Ave. to Powhatan St.; right on Powhatan St. to Washington St.; right on Washington St. to Gibbon St.; right on Gibbon St. to Patrick St.; left on Patrick St. to No. 1 Highway and via No. 1 Highway to Fort Belvoir.

#### JEFFERSON MANOR ROUTE

TO WASH-  
INGTON:

Via above route to Penn Daw; thence left into N. Kings Highway to Huntington Ave.; right on Huntington Ave. to No. 1 Highway and via above route.

TO FORT  
BELVOIR:

Via above route to Huntington Ave.; right on Huntington Ave. to N. Kings Highway; left on N. Kings Highway to No. 1 Highway; right on No. 1 Highway and via above route.

#### FORT BELVOIR - WASHINGTON LINE VIA JEFFERSON DAVIS HIGHWAY

#### ROUTE WITHIN POST

VIA ROUTE  
NO. 618:

Via No. 1 Highway to route 618; right on Route 618 to Parke Road; left on Parke Road to Wright Road; left on Wright Road to Abbot Road, right on Abbot Road to Black Road; left on Black Road to Goethals Road; right on Goethals Road to Gunston Road; left on Gunston Road to 23rd St.; ~~left on 23rd St.~~; left on 23rd St. to Bixby Road; left on Bixby Road to Belvoir Road; left on Belvoir Road to 20th St.; left on 20th St. to Harding Place; right on Harding Place to layover point; thence via Harding Place to 19th St.;

right on 19th St. to Belvoir Road; left on Belvoir Road to 12th St.; right on 12th St. to Farrell Road; left on Farrell Road and right into entrance to Hospital; thence via loop to Belvoir Road; left on Belvoir [8] Road to 21st St.; left on 21st St. to Mt. Vernon Road; left on Mt. Vernon Road to State Route No. 235; left on Route 235 to No. 1 Highway; right on No. 1 Highway.

VIA MT.  
VERNON  
ROAD:

Via a No. 1 Highway to State Route 235; left on State Route 235 to Mt. Vernon Road; right on Mt. Vernon Road to 21st St.; right on 21st St. to Belvoir Road; right on Belvoir Road to 12th St.; right on 12th St. to Farrell Road; left on Farrell Road and right into entrance to Hospital thence via loop to Belvoir Road; left on Belvoir Road to 20th St.; right on 20th St. to Harding Place; right on Harding Place to layover point. Leave Harding Place to 19th St.; right on 19th St. to Belvoir Road; right on Belvoir Road to Bixby Road; right on Bixby Road to 23rd St.; right on 23rd St. to Gunston Road; right on Gunston Road to Goethals Road; right on Goethals Road to Black Road; left on Black Road to Abbot Road; right on Abbot Road; left on Wright Road to Parke Road; right on Parke Rd. to State Route 618; right on Route 618 to No. 1 Highway; left on No. 1 Highway.

CULMORE - ALEXANDRIA - WASHINGTON  
LINE VIA WOODROW WILSON BRIDGE

TO  
NAVAL  
RESEARCH  
LAB.:

Leave Culmore via Knollwood Drive to Glen Carlyn Drive; right on Glen Carlyn Drive to Argyle Drive; right on Argyle Drive to Carlyn Court; left on Carlyn Court to Leesburg Pike; right on Leesburg Pike to Payne St.; right on Payne St. to Seminary Road; left on Seminary Road to N. Beauregard St., left on N. Beauregard St. to King St. (Route 7); right on King St. to S. 28th St., left on S. 28th St. to S. 29th St.; right on S. 29th St. to S. Buchanan St.; right on S. Buchanan St. to S. 31st St.; right on S. 31st St. to King St., left on King St. to Menokin Drive; right on



Menokin Drive to Brad Lee service roadway; left on service roadway to N. Dearing St.; left on N. Dearing St. into S. Wakefield St.; via S. Wakefield St. to S. 36th St.; right on [9] S. 36th St. to Quaker Lane; right on Quaker Lane to King St.; left on King St. to Braddock Road; left on Braddock Road and thence regular route.

TO CUL-  
MORE:

Via regular route to Braddock Road, thence via Braddock Road to Radford St.; right on Radford St. to Osage St.; left on Osage St. to Quaker Lane; left on Quaker Lane to S. 36th St.; right on S. 36th St. to S. Wakefield St.; left on S. Wakefield St. into N. Dearing St. to Brad Lee service roadway; right on service roadway to Menokin Drive; right on Menokin Drive to King St.; left on King St. to S. 31st St.; right on S. 31st St. to S. Buchanan St.; left on S. Buchanan St. to S. 29th St.; left on S. 29th St. to S. 28th St.; left on S. 28th St. to King St.; right on King St. to N. Beauregard St.; left on N. Beauregard St. to Seminary Road; right on Seminary Road to Payne St.; right on Payne St. to Leesburg Pike; left on Leesburg Pike to Carlyn Court; left on Carlyn Court to Argyle Drive; right on Argyle Drive to Glen Carlyn Drive; left on Glen Carlyn Drive to Vista Drive; left on Vista Drive to Lake St.; right on Lake St. to Knollwood Drive; right on Knollwood Drive to Layover point.

18TH & S. QUINCY STREET LINE  
VIA MEMORIAL BRIDGE

TO WASH-  
INGTON:

Leave via S. Randolph St. to 31st St.; left on S. 31st St. into S. Quincy St.; via S. Quincy St. to Seminary Road; right on Seminary Road to Shirlington Road; left on Shirlington Road to S. 24th Rd.; right on S. 24th Road to S. Glebe Road; left on S. Glebe Road to S. 18th St.; left on S. 18th St. to S. Quincy St.; right on S. Quincy St. to S. 16th St.; right on S. 16th St. to S. Glebe Road; left on S. Glebe Road to

S. 14th St.; right on S. 14th St. to S. Walter Reed Drive; right on S. Walter Reed Drive to S. 16th St.; left on S. 16th St. to Edgewood St.; left on Edgewood St. to Columbia Pike; right on Columbia Pike to Arlington Ridge Road to Memorial [10] Ave.; right on Memorial Ave. and via Memorial Bridge to Lincoln Memorial Circle; via Circle to 23rd St.; right on 23rd St. to Constitution Ave., right on Constitution Ave. to 12th St., left on 12th St. to Terminal.

TO SHIR-  
LINGTON:

Leave via Pa. Ave. to 10th St.; right on 10th St. to Constitution Ave.; right on Constitution Ave. to 23rd St.; left on 23rd St. to Lincoln Memorial Circle; right and via Circle to Memorial Bridge; right and via Memorial Bridge into Memorial Ave.; Memorial Ave. to Arlington Ridge Road; left on Arlington Ridge Road to Columbia Pike; right on Columbia Pike to Edgewood St.; left on Edgewood St. to S. 16th St.; right on S. 16th St. to S. Walter Reed Drive; right on S. Walter Reed Drive to S. 14th St.; left on S. 14th St. to S. Glebe Road; left on S. Glebe Road to S. 16th St.; right on S. 16th St. to S. Quincy St.; left on S. Quincy St. to S. 18th St.; left on S. 18th St. to S. Glebe Road; right on S. Glebe Road to S. 24th Road; right on S. 24th Rd. to Shirlington Road; left on Shirlington Road to Seminary Road; right on Seminary Road to S. 28th St.; right on S. 28th St. to S. Randolph St.; left on S. Randolph St. to layover point at Lansburgh's Dept. Store.

The changes described above have been made necessary by the increased population of the area served and the development of new streets and roads in the area.

While the proposed re-routing is a major revision of the interstate operations of the applicant, the bulk of the service will be performed over streets heretofore authorized to be used by it. In some instances, headways of individual routes will be extended, but this will

be offset by more direct service resulting in less running time. Overall the changes are in keeping with the Commission's obligation to insure the riding public with an efficient and coordinated service. The Commission finds that public convenience and necessity require the proposed rerouting and that a hearing on this matter is not necessary.

[11] THEREFORE, IT IS ORDERED that A. B. & W. Transit Company be, and it is hereby, authorized to revise those routes hereinabove described, effective July 2, 1962.

FOR THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

[Exhibit 94, cont'd]

ORDER NO. 163

Served June 21, 1962

IN THE MATTER OF:

A. B. & W. Transit Company  
Application for Authority to  
Revise Certain of Its Routes  
Operating Between Washington,  
D. C., and Points in Virginia

Application No. 207

On June 14, 1962, the Commission issued Order No. 156 as a determination of Application No. 207, filed by the A. B. & W. Transit Company. The order contained a list of proposed re-routing of certain lines of the applicant and the approval thereto. Through a printing error, the following routes were omitted.

ALEXANDRIA - ANNANDALE LINE

TO ANNANDALE: Leave Royal Terminal via Pendleton St. to Fairfax St.; right on Fairfax St. to King St.; right on King St. to Janneys Lane; left on Janneys Lane into Seminary Road to N. Van Dorn St.; left on N. Van Dorn St. to Taney Ave.; left on Taney Ave. to N. Jordan St.; right on N. Jordan St. to Duke St. (Route 236); right on Duke St. to Ravensworth Road; left on Ravensworth Road to Elgar St.; left on Elgar St. to Heming St.; right on Heming St. to Leesville Blvd.; left on Leesville Blvd. to lay-over point.

TO ALEXANDRIA: Leave via Leesville Blvd. to Joplin St.; left on Joplin St. to Axton St.; left on Axton St. to Heming St.; right on Heming St. to Elgar St.; left on Elgar St. to Ravensworth Road; right on Ravensworth Road to Duke St. (Route 236); right on Duke St. to N. Jordan St.; left on N. Jordan St. to Taney Ave.; left on Taney Ave. to N. Van Dorn St.; right on N. Van Dorn St. to Seminary Rd.; right on Seminary Rd. into Janneys Lane to King Street; right on King Street to Pitt St.; left on Pitt St. to Pendleton St.; right on Pendleton St. to layover point.

[2] TRIP WILL MAKE LOOP INTO ENTRANCE TO NEW ALEXANDRIA HOSPITAL IN BOTH DIRECTIONS.

ALEXANDRIA - ARLINGTON LINE

TO ALEXANDRIA: Regular route to S. 28th St. at Shirlington, thence via S. 28th St. to S. Randolph St.; left on S. Randolph St. to S. 31st St.; left on S. 31st St. into S. Quincy St. to S. 28th St.; right on S. 28th St. and regular route.

TO COURT HOUSE: Regular route to S. 28th St. at Shirlington, thence via S. 28th St. to S. Randolph St.; left on S. Randolph St. to S. 31st St.; left on S. 31st St. into S. Quincy St. and thence regular route.

COLUMBIA PIKE LINE SERVICE VIA  
LEESBURG PIKE TO SHIRLINGTON

- TO SHIR-  
LINGTON:** Via regular route to Columbia Pike; thence via Columbia Pike to Carlyn Spring Road; left on Carlyn Spring Road to Leesburg Pike; left on Leesburg Pike to S. Walter Reed Drive; left on S. Walter Reed Drive to Arlington Mill Drive; right on Arlington Mill Drive to S. Randolph St.; right on S. Randolph St. to layover point at Lansburgh's Dept. Store.
- FROM  
SHIRLING-  
TON:** Leave via S. Randolph St. to S. 31st St.; left on S. 31st St. into S. Quincy St. to S. 28th St.; left on S. 28th St. to S. Randolph St.; right on S. Randolph St. to Arlington Mill Drive; left on Arlington Mill Drive to S. Walter Reed Drive; left on S. Walter Reed Drive to Leesburg Pike; right on Leesburg Pike to Carlyn Spring Road; right on Carlyn Spring Road to Columbia Pike; right on Columbia Pike and regular route.

FORT BELVOIR - NATIONAL AIRPORT OWL BUS ROUTE

- TO WASH-  
INGTON:** Via U. S. Number 1 Highway to Fort Hunt Road; right on Fort Hunt Road to Belleview Blvd.; left on Belleview Blvd. to George Washington Memorial Highway; left on Memorial Highway and via Washington St.; [3] Alexandria; Memorial Highway; National Airport; 14th St. Bridge and 14th St. to Constitution Ave.; right on Constitution Ave. to 12th St.; left on 12th St. to Terminal.
- TO FORT  
BELVOIR:** Via Pa. Ave. to 7th St.; right on 7th St. to Independence Ave.; right on Independence Ave. to 12th St.; left on 12th St. to C Street; right on C Street to 14th St.; left on 14th St. and via 14th St. Bridge; Memorial Highway; National Airport; Memorial Highway; Washington St., Alexandria to Belleview Blvd., right on Belleview Blvd. to Fort Hunt Road; right on Fort Hunt Road to U.S. Number 1 Highway; left on U. S. Number 1 Highway to Fort Belvoir.



The Commission is of the opinion that Order No. 156 should be amended to include the abovementioned routes.

THEREFORE, IT IS ORDERED:

(1) That Order No. 156 be, and it is hereby, amended to include the routes set forth above.

(2) That the service date of Order No. 156 be, and it is hereby, amended to read, "Served June 21, 1962".

FOR THE COMMISSION:

/s/ Delmer Ison  
Executive Director

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
[Exhibit 94, cont'd] ORDER NO. 196

Served September 10, 1962

IN THE MATTER OF:

Application of A. B. & W. Transit	WMATC File No. 414
Company for Minor Revision of	WMATC File No. 417
Certain Routes	Application No. 218

The A. B. & W. Transit Company has filed an application to make minor revisions in its Alexandria-Washington via Parkfairfax Line, WMATC File No. 417, by re-routing the base service via Memorial Bridge in place of via the 14th Street Bridge, and in its Shirley Duke-Washington via S. Fairlington Line, WMATC File No. 414, by re-routing via Menokin Drive and North Early Street between King Street and Braddock Road, in place of via the Bradlee Shopping Center service road and Quaker Lane to Braddock Road.

The Commission finds that the changes in route are minor, a hearing on this matter is not necessary and that the revisions should be authorized.

THEREFORE, IT IS ORDERED:

1. That the A. B. & W. Transit Company be, and it is hereby, authorized to re-route the Alexandria-Washington via Parkfairfax Line, WMATC File No. 417, via Memorial Bridge.

2. That the A. B. & W. Transit Company be, and it is hereby, authorized to re-route the Shirley Duke-Washington via South Fairlington Line, WMATC File No. 414, via Menokin Drive and North Early Street between King Street and Braddock Road.

3. That the re-routing be, and it is hereby, authorized to be made on September 17, 1962.

FOR THE COMMISSION:

/s/ Delmer Ison  
Executive Director

[Exhibit 95]

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

ORDER NO. 45

Served August 17, 1961

IN THE MATTER OF:

Application of W.M.A. Transit	)	
Company to Re-route Outbound	)	
Bus Lines	)	Application No. 146

On June 28, 1961, W.M.A. Transit Company filed an application to re-route their outbound bus lines. The requested change will eliminate travel over Independence Avenue between 2nd Street, S.W. and First Street, S.E., Washington, D.C.

Due to the construction of the new House Office Building, this section of Independence Avenue is continually blocked with cranes and other construction vehicles. The construction will continue at least a year and a half. Present delays caused by this construction will be eliminated by the re-routing.

THEREFORE, IT IS ORDERED:

(1) That W.M.A. Transit Company, be, and it is, hereby authorized to re-route outbound bus lines in the following manner:

Outbound — From the existing route at the intersection of Independence Avenue and 2nd Street, S.W., southerly on 2nd Street to Canal Street, Southeasterly on Canal Street to E Street, easterly on E Street to First Street, northerly on First Street to Independence Avenue, easterly on Independence Avenue, thence on the existing route.

(2) That this Order shall be put into effect within sixty (60) days after the effective date hereof, and on not less than five (5) days notice to the Commission and to the public.

(3) The effective date shall be the date served.

FOR THE COMMISSION:

/s/ DELMER ISON  
Executive Director

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ORDER NO. 122

[Exhibit 95, cont'd]

Served January 12, 1962

IN THE MATTER OF:

Application of W. M. A. Transit	)	
Company to Re-route Outbound	)	
Bus Lines	)	Application No. 186

Order No. 45 served August 17, 1961, authorized W. M. A. Transit Company to re-route its outbound bus lines as follows:

Outbound — From the existing route at the intersection of Independence Avenue and 2nd Street, S.W., southerly on 2nd Street to Canal Street, southeasterly on Canal Street to E Street, easterly on E Street to First Street, northerly on First Street to Independence Avenue, easterly on Independence Avenue, thence on the existing route.

By letter dated January 3, 1962, W. M. A. Transit Company, through its Superintendent of Transportation, Mr. A. J. Simpson, requests authority to return its outbound bus lines to the route traversed prior to Order No. 45. The Company alleges that the routing as authorized by Order No. 45 takes a longer time to traverse than the previous routing.

It appears that the Company should return its outbound bus lines to the route operated prior to Order No. 45.

**THEREFORE IT IS ORDERED:**

(1) That W. M. A. Transit Company be, and it is, hereby authorized to re-route outbound bus lines in the following manner:

Outbound — From the existing route at the intersection of Independence Avenue and 2nd Street, S.W., easterly on Independence Avenue to First Street, S.W., thence on the existing route.

(2) That the authority granted in Order No. 45 be, and it is, hereby cancelled immediately.

(3) That this Order become effective immediately.

**FOR THE COMMISSION:**

/s/ DELMER ISON  
Executive Director

## ORDER NO. 261

[Exhibit 95, cont'd]

Served: May 17, 1963

## IN THE MATTER OF:

Application of WMA Transit )  
Company to establish a new )  
route (Route S) )

Application No. 245

WMA Transit Company has filed an application to establish a new route (Route S) to serve Southview Apartments in Prince Georges County, Maryland, over the following route:

WESTBOUND

Leave Southview Apartments rear parking lot,  
Prince Georges County, Maryland  
Left on Oakcrest Drive  
Left on Southern Avenue to South Capitol Street.

EASTBOUND

Leave corner of Southern Avenue and South  
Capitol Street  
Continue on Southern Avenue  
Right on Oakcrest Drive  
Right into Southview Apartments rear parking  
lot, Prince Georges County, Maryland.

(Restriction: the performance of this transportation shall be operated with closed doors on Southern Avenue in Washington, D.C.)

This service will provide public transit service for the residents of the new Southview Apartments which upon completion will have fifteen hundred units. The service to be provided covers the same area in Prince Georges County, Maryland, over which the applicant is presently operating and is not in competition with any other mass transit carrier.

The rate of fare for this route will be as follows:



ORDER NO. 122

[Exhibit 95, cont'd]

Served January 12, 1962

IN THE MATTER OF:

Application of W. M. A. Transit )  
 Company to Re-route Outbound )  
 Bus Lines )                      Application No. 186

Order No. 45 served August 17, 1961, authorized W. M. A. Transit Company to re-route its outbound bus lines as follows:

Outbound — From the existing route at the intersection of Independence Avenue and 2nd Street, S.W., southerly on 2nd Street to Canal Street, southeasterly on Canal Street to E Street, easterly on E Street to First Street, northerly on First Street to Independence Avenue, easterly on Independence Avenue, thence on the existing route.

By letter dated January 3, 1962, W. M. A. Transit Company, through its Superintendent of Transportation, Mr. A. J. Simpson, requests authority to return its outbound bus lines to the route traversed prior to Order No. 45. The Company alleges that the routing as authorized by Order No. 45 takes a longer time to traverse than the previous routing.

It appears that the Company should return its outbound bus lines to the route operated prior to Order No. 45.

**THEREFORE IT IS ORDERED:**

(1) That W. M. A. Transit Company be, and it is, hereby authorized to re-route outbound bus lines in the following manner:

Outbound — From the existing route at the intersection of Independence Avenue and 2nd Street, S.W., easterly on Independence Avenue to First Street, S.W., thence on the existing route.

(2) That the authority granted in Order No. 45 be, and it is, hereby cancelled immediately.

(3) That this Order become effective immediately.

**FOR THE COMMISSION:**

/s/ DELMER ISON  
 Executive Director

## ORDER NO. 261

[Exhibit 95, cont'd]

Served: May 17, 1963

## IN THE MATTER OF:

Application of WMA Transit )  
Company to establish a new )  
route (Route S) )

Application No. 245

WMA Transit Company has filed an application to establish a new route (Route S) to serve Southview Apartments in Prince Georges County, Maryland, over the following route:

WESTBOUND

Leave Southview Apartments rear parking lot,  
Prince Georges County, Maryland  
Left on Oakcrest Drive  
Left on Southern Avenue to South Capitol Street.

EASTBOUND

Leave corner of Southern Avenue and South  
Capitol Street  
Continue on Southern Avenue  
Right on Oakcrest Drive  
Right into Southview Apartments rear parking  
lot, Prince Georges County, Maryland.

(Restriction: the performance of this transportation shall be operated with closed doors on Southern Avenue in Washington, D.C.)

This service will provide public transit service for the residents of the new Southview Apartments which upon completion will have fifteen hundred units. The service to be provided covers the same area in Prince Georges County, Maryland, over which the applicant is presently operating and is not in competition with any other mass transit carrier.

The rate of fare for this route will be as follows:

Twenty (20¢) cents cash fare for non-transfer  
Token and ten (10¢) cents or forty (40¢) cents  
cash to 11th & Pennsylvania Avenue, N.W. on  
WMA

Thirty-five (35¢) cents joint fare ticket to 10th  
& Pennsylvania Avenue, N.W. on D.C. Transit

The service will be provided by one bus, during weekdays rush hour periods only, on a fifteen (15) minute headway.

The Commission is of the opinion that the authority to establish this route is in the public interest and should be authorized and that a public hearing on the matter is not required.

**THEREFORE, IT IS ORDERED:**

1. That WMA Transit Company, be, and it is hereby, authorized to provide the service requested between Southview Apartments, Prince Georges County, Maryland, and Southern Avenue and South Capitol Street, Washington, D.C., as more fully described hereinabove.

2. That the effective date of this Order be May 20, 1963.

**FOR THE COMMISSION:**

/s/ DELMER ISON  
Executive Director

**ORDER NO. 314**

[Exhibit 95, cont'd]

**IN THE MATTER OF:**

Served October 4, 1963

Application of W M A Transit )  
Company to change its Route "C" )

Application No. 258  
Docket No. 50

**APPEARANCES:**

RONALD ZELRICK, Traffic Manager, W M A Transit Company.

The W M A Transit Company filed Application No. 258, August 22, 1963 requesting authority to change its Route "C" as follows:

1. Abandon that portion of Route "C" from the intersection of Tucker and Allentown Roads, east to Allentown Road, north on Old Fort Drive, southeast on Old Fort Drive, west on Allentown Road to Tucker Road.
2. Establish a new portion of Route "C" from the intersection of Tucker Road and Allentown Road, south on Tucker Road, west on Bock Road, north on Hempstead Drive, northwest on Holiday Avenue, southwest on Capri Drive, south on Hempstead Drive, east on Bock Road, north on Tucker Road to Allentown Road.

Notice of the Application and hearing was given as required by the Commission's rules and regulations. A hearing on the Application was held on September 30, 1963 before Examiner Charles W. Overhouse. No protest has been received by the Commission and no person appeared at the hearing to protest the Application.

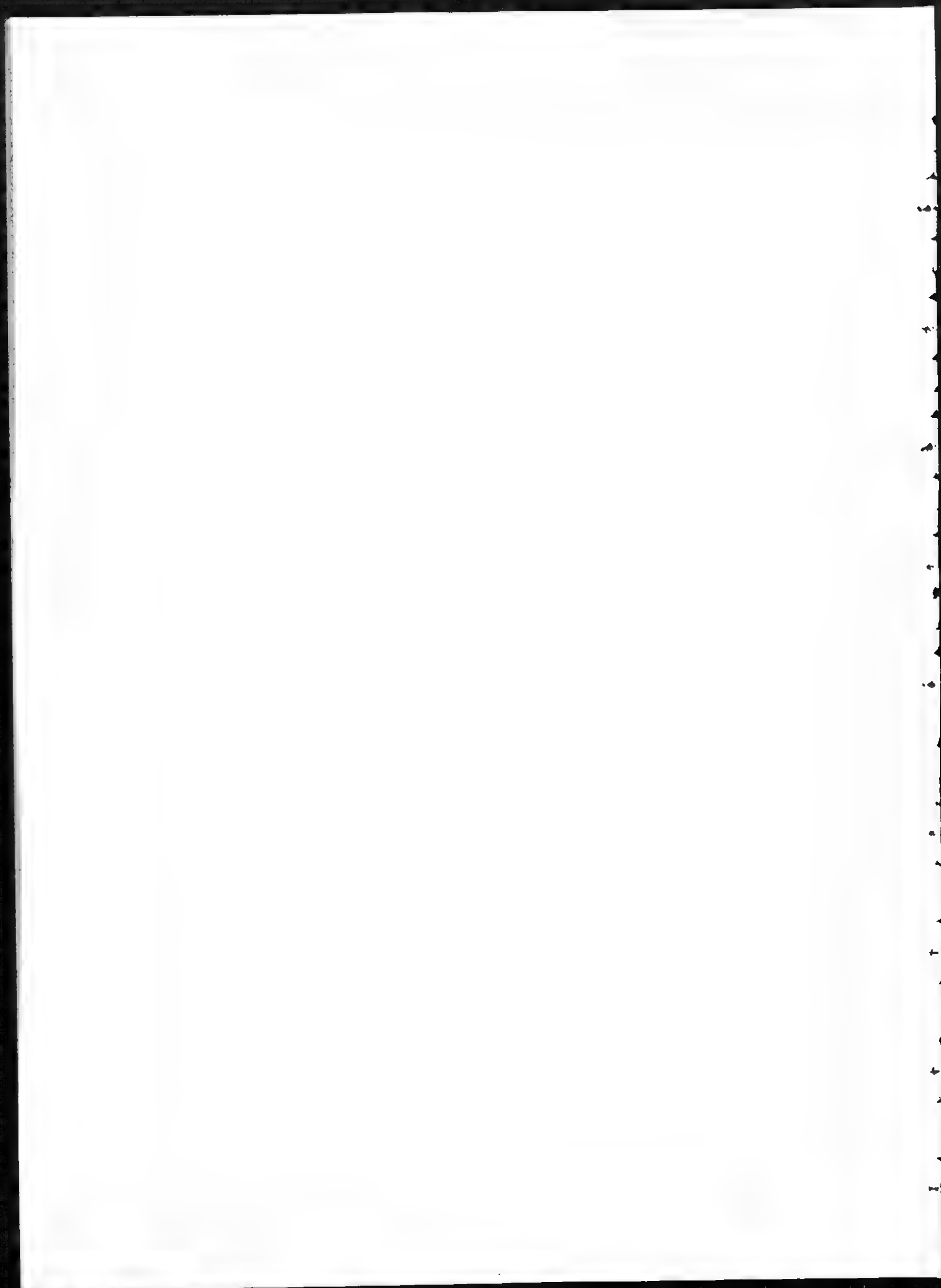
Upon the evidenced adduced, the Commission finds that the public convenience and necessity requires that the rerouting should be approved, including the partial abandonment of the present service, and the authorization of the new route.

THEREFORE, IT IS ORDERED that W M A Transit Company be, and it is hereby, authorized to reroute its Route "C" as herein above described.

BY DIRECTION OF THE  
COMMISSION

/s/ DELMER ISON  
Executive Director

---





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JOINT APPENDIX

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**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 20,188

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D. C. TRANSIT SYSTEM, INC.,

*Petitioner.*

v.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION,  
*Respondent.*

W. M. A. TRANSIT COMPANY,

*Intervenor.*

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*Appeal from Orders of the  
Washington Metropolitan Area Transit Commission*

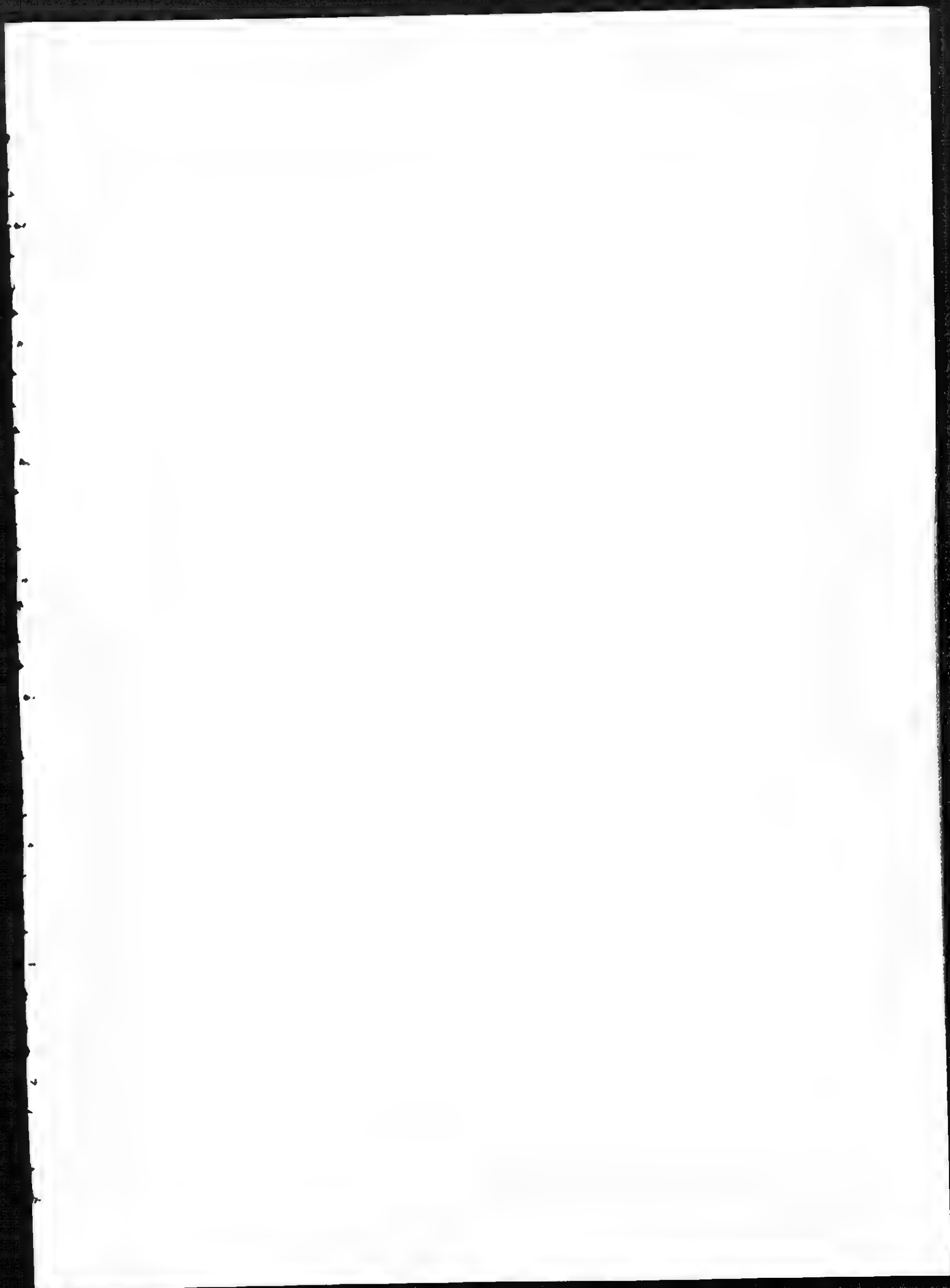
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for the District of Columbia

FILED NOV 21 1966

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# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 20,188

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D. C. TRANSIT SYSTEM, INC.,

*Petitioner.*

v.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION,

*Respondent.*

W. M. A. TRANSIT COMPANY,

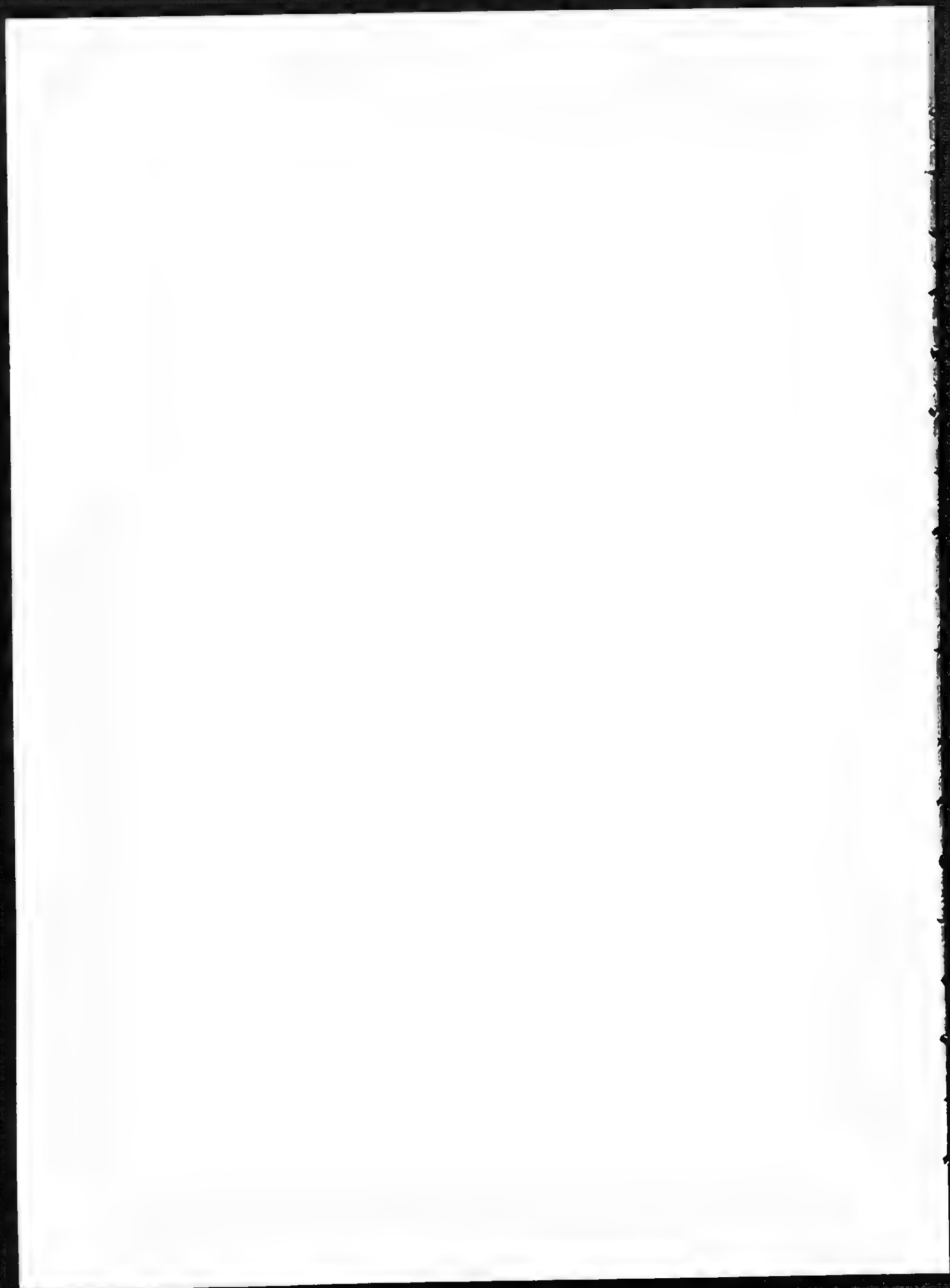
*Intervenor.*

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*Appeal from Orders of the  
Washington Metropolitan Area Transit Commission*

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JOINT APPENDIX



[Exhibit 95, cont'd]

ORDER NO. 325

IN THE MATTER OF:

Served October 25, 1963

Application of W M A Transit )  
 Company for a Certificate of )  
 Public Convenience and Necessity )

Application No. 253

Docket No. 42

## APPEARANCES:

STANLEY KAMEROW, Attorney for the applicant.C. ROBERT SARVER, Attorney for D.C. Transit System, Inc., protestant.MARIE DE NOVENS, pro se, intervenor.

The W M A Transit Company filed an application for a certificate of public convenience and necessity to authorize it to transport passengers for hire in regular route common carrier operations as follows:

Westbound

Leave NASA via Greenbelt-Glendale Road, right on Southway to Crescent Road, right on Crescent Road to Eastway, right on Eastway to Ridge Road, left on Ridge Road to Laurel Hill Road, left on Laurel Hill Road to Hillside Road, thence left on Hillside Road to its intersection with Crescent Road, thence right on Crescent Road to Edmonston Road, left on Edmonston Road to Calvert Road, thence left on Calvert Road to Kenilworth Avenue, thence right on Kenilworth Avenue to East Capitol Street, thence right on C Street, N.E., thence right on 6th Street, N.E., thence left on C Street, N.E., thence left on 4th Street, N.E., thence right on Maryland Avenue to Constitution Avenue, thence right on Constitution Avenue to its intersection with Pennsylvania Avenue, right on Pennsylvania Avenue, thence right on 11th Street, N.W. to terminal.

### Eastbound

Leave terminal via 11th Street, N.W., thence right on E Street, N.W., thence right on 3rd Street, N.W., thence left on Adams Drive, thence right on 2nd Street, S.W., thence left on Independence Avenue to its intersection with East Capitol Street, thence right on East Capitol Street, thence left on Kenilworth Avenue, thence left on Calvert Road, thence right on Edmonston Road, thence right on Crescent Road, thence left on Hillside Road, thence right on Laurel Hill Road, thence right on Ridge Road, thence right on Eastway, thence left on Crescent Road, thence left on Southway, thence left on Greenbelt-Glendale Road to NASA.

### Non-Rush Hour Service

During the non-rush hour period the above described service would terminate on westbound trips at a layover point at Eastern Avenue and Kenilworth Avenue. Conversely the above described service during the non-rush hour period would originate the eastbound at the layover point at Eastern Avenue and Kenilworth Avenue. The rush hour service would operate express between the applicant's terminal at 11th Street, N.W., and the D.C.-Maryland boundary line on Kenilworth Avenue. The non-rush hour service would tie in with Protestant D.C. Transit System's present service at the intersection of Kenilworth Avenue and the Maryland-D.C. boundary.

The Commission set the matter for hearing. Notice of the application and hearing was published in compliance with Commission order. Protest to the application was made by D.C. Transit System, Inc. The hearing was held on July 25, 1963, before Examiner Russell W. Cunningham.

### FACTS

W M A proposes to operate regular route service between the NASA Flight Center, just east of Greenbelt, Maryland, and its terminal at 11th

and Pennsylvania Avenue, N.W., Washington, D.C., serving the town of Greenbelt and other intermediate stops in Prince Georges County, Maryland. As indicated above, in the rush hours through service would be provided, with the route portion between its Washington Terminal and the D.C.-Maryland line providing express service. In the non-rush hours, the applicant would turn around its inbound service at the D.C. line, requiring passengers to transfer to D.C. Transit for the remainder of the trip into Washington -- and the outbound service would be the reverse of this, from Washington outbound on D.C. Transit to the D.C. line, then transfer to W M A for the Maryland portion of the ride. The applicant proffered eleven exhibits, one of which was properly rejected by the Examiner.

To support its application, the applicant offered testimony by its Executive Vice President and four public witnesses appeared in support of the application. In addition, a public witness appeared to support her need, and others similarly situated, for service from Washington to NASA.

Witness Sardinia testifying for the applicant, testified at length as to the type of service to be rendered, fares to be charged, the lack of service presently provided for residents of Greenbelt and employees of the NASA Flight Center. He testified that the population of Greenbelt is approximately 8,000 people and that a large apartment development containing approximately 5,000 apartment units is nearby. He further testified to the large industrial park located adjacent to Kenilworth Avenue where such organizations as Pepsi Cola and Southern Oxygen employ hundreds of employees which, he related, are now without service. He also stated that he had discussed the proposed service with officials of Greenbelt.

Public Witnesses in Support of the Application. These included the Mayor of Greenbelt, who testified that officials of the City have solicited service for years, that the limited service provided by the City



is not responsive to the needs of its residents, who are in need of service. Another official of the City of Greenbelt testified in support of the application. A third witness was the manager of a large apartment complex, who testified that bus service is needed from his area both to NASA and to Washington. The fourth witness was a businessman located on Kenilworth Avenue, who testified as to the need of employees of small businesses for bus service.

In addition, Witness de Novens appeared and testified as to the needs of NASA employees, including herself, for service between Washington and NASA Flight Center. She also discoursed on her numerous, but futile, attempts to get bus service from the protestant and other carriers.

D.C. Transit protested the application, alleging (1) there is not now, and will not be for at least one year, a need for the proposed service, but (2) if the Commission finds that the public convenience and necessity require the service sought that Transit must be accorded the authority to provide the transportation because (a) at least a portion of the route is over routes currently served by D.C. Transit, and (b) that the overall route sought is within the territory served by its regular routes. Stated another way, D.C. Transit states that there is no need for the service now or in the immediate future, but, if we find to the contrary and hold that a need exists, that it should be authorized and required to provide the transportation. It also makes the assertion that this is not the proper proceeding in which to so authorize and require it to perform the transportation herein concerned. D.C. Transit presented its case through one Company officer, who testified at length that his Company had previously received requests for service, but based on information it had gathered, it concluded that there was no current need for the proposed service, nor would there be for a year or eighteen months. He further stated that institution of any service at this time would be economically unsound.

After the close of the hearing and submission of the proceeding to the Commission for decision, W M A and D.C. Transit filed a motion to reopen the record for the purpose of filing a stipulation, which related to the distance between the State Department Building in Washington, D.C., and the NASA Flight Center, and D.C. Transit's rate of charge for charter operations. The motion is hereby granted and the stipulation made a part of the record in this proceeding.

(a) W M A. W M A is currently providing service under authority issued to it by predecessor commissions from its terminal at 11th Street to the intersection of East Capitol Street and Kenilworth Avenue. With one exception, all of its regular route service is operated south of the John Hanson Highway in Prince Georges County. The only regular route service north and west of the John Hanson Highway in Maryland is a route running over Landover Road to the Prince Georges County Hospital, which is located adjacent to the intersection of Landover Road and the Baltimore-Washington Parkway.

(b) D.C. Transit System. The Protestant Transit also has previously been authorized to serve that portion of the route involved herein between 11th and Pennsylvania Avenue and the intersection of East Capitol Street and Kenilworth Avenue. In addition, Transit also provides service from the latter intersection over Kenilworth Avenue to its intersection with the Maryland-D.C. line. Crossing the Maryland-D.C. boundary the proposed route continues on out Kenilworth Avenue and that portion of Kenilworth Avenue between the Maryland-D.C. line and Annapolis Road is currently devoid of all bus service. Transit also runs a regular route service over Rhode Island Avenue (U.S. Route 1) from within the District of Columbia across the Maryland-D.C. line north to its intersection with Baltimore Avenue and continuing north on Baltimore Avenue (U.S. Route 1) to its intersection with the Greenbelt Road (Maryland Route 193). Here the regular route service turns right on Greenbelt Road for approximately one-quarter mile to an intersection with Rhode Island Avenue, thence left on Rhode Island Avenue through the commun-

ities of Ark, Daniels, Hollywood, and White House. Transit also provides regular route service from Rhode Island Avenue eastward over Annapolis Road and Landover Road into the Prince Georges County Hospital and the community of Cheverly. In addition it renders regular route service over Edmonston Road between Annapolis Road and its intersection with Kenilworth Avenue and then along the proposed Kenilworth Avenue route for a distance of approximately one-half mile to an intersection of Kenilworth Avenue and Riverdale Road, thence right on Riverdale Road into the East Pines community.

(c) The City of Greenbelt. The City of Greenbelt presently is operating a shuttle bus service between Greenbelt and U.S. Route 1, a distance of approximately three miles. No bus service is provided between Greenbelt and the NASA Flight Center, a distance of approximately two miles. The City is anxious to eliminate this service and it would terminate concomitantly with the institution of service by any carrier.

The primary issues involve whether public convenience and necessity require the proposed service; whether the proposed authority would authorize operations over the routes of any holder of a certificate; and whether applicant is fit, willing and able to perform the proposed service.

#### OPINION

The Commission is of the opinion and finds that the present and future public convenience and necessity require that service be provided along the proposed route. While there is conflicting evidence as to the need for the proposed service, there is substantial evidence, indeed a preponderance of evidence, that there is an outstanding need for the service at the present time. The immediate future will undoubtedly see an expanded population growth along the proposed route and particularly in the Greenbelt-NASA Flight Center areas.

We turn now to a determination of the second issue, whether the proposed service is over the routes of a certificate holder. To facili-

tate the discussion we shall break the proposed route down into various segments and discuss each segment individually. That portion of the proposed route between the applicant's terminal on 11th Street, N.W. and the Maryland-D.C. line will be operated express with pick-up and discharge of passengers forbidden; therefore, it is our conclusion that this portion of the route is not subjected to the requirements of Section 4(e). The next segment of the proposed route to be considered lies along Kenilworth Avenue between the D.C. — Maryland line and Annapolis Road (Maryland Route 450). At the present time no carrier service is available on this portion of the route.

The next portion of the proposed route lies over Kenilworth Avenue between Annapolis Road and Riverdale Road. This portion of the proposed route is approximately two miles in length. The protestant operates a parallel service over Edmonston Road beginning at Annapolis Road. Edmonston Road parallels Kenilworth Avenue for approximately one and one-half miles where the two streets converge for the remaining one-half mile to the intersection with Riverdale Road. It is over this last one-half mile that the proposed route is over the route of a certificate holder. While Transit does not yet have a "grandfather" certificate issued by this Commission, the applicant did not contest the fact that Transit was authorized to operate over this second segment. As previously stated, Transit service departs Kenilworth Avenue and turns right onto Riverdale Road for approximately one-half mile and serves the area of East Pines. The applicant, however, has agreed that the proposed route, if authorized, should be restricted to a closed door type operation over this one-half mile segment. Generally speaking, a closed door restriction is not in the public interest and can be justified only by unusual circumstances. However, in this instance we feel special circumstances are present which would justify the imposition of a closed door restriction. This is due to the fact that this particular segment lies along the outer reaches of the protestant's East Pines route. As traffic is always lighter toward the end of a route we feel the restric-



tion would be warranted. This leaves for consideration Transit's contention that the balance of this particular segment will indirectly affect its present service because of the fact that some of the people between the parallel lines will walk to Kenilworth Avenue to board a vehicle of the applicant. However, we must reject Transit's contention that the institution of a new parallel service would deprive Transit of a material amount of traffic. There is no convincing evidence that this would develop and in any event we are of the opinion that the public should not be deprived of a new service merely because it might divert some traffic from other carriers.

The remainder of the proposed route strikes out into unserved territory and the second issue becomes nonexistent for the remainder of the proposed route. While Transit claims this area lies within the territory served by its routes, W M A puts forth the same claim. Actually, the last half of the route lies in an area between the territory served by the regular routes of the two carriers.

Thus the Commission is of the opinion and finds that, with the imposition of the closed door restriction on the one-half mile segment of Kenilworth Avenue hereinabove described, the rights of the present certificated holder will not be adversely affected. The Commission is of the further opinion and so finds that the present and future public convenience and necessity require the authorization of the proposed service, as hereinafter restricted, and that the applicant is fit, willing, and able to perform the transportation requested. The Commission is of the further opinion that a certificate of public convenience and necessity should so issue.

**THEREFORE, IT IS ORDERED:**

1. That Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, granted to the W M A Transit Company to transport passengers for hire:



### REGULAR ROUTE COMMON CARRIER OPERATION:

Passengers and their baggage, and express, mail and newspapers in the same vehicle, between Washington, D.C., and the NASA Goddard Flight Center, Prince Georges County, Maryland, serving intermediate points.

#### Westbound

Leave NASA via Greenbelt-Glendale Road, right on Southway to Crescent Road, right on Crescent Road to Eastway, right on Eastway to Ridge Road, left on Ridge Road to Laurel Hill Road, left on Laurel Hill Road to Hillside Road, thence left on Hillside Road to its intersection with Crescent Road, thence right on Crescent Road to Edmonston Road, left on Edmonston Road to Calvert Road, thence left on Calvert Road to Kenilworth Avenue, thence right on Kenilworth Avenue to East Capitol Street, thence right on C Street, N.E., thence right on 6th Street, N.E., thence left on C Street, N.E., thence left on 4th Street, N.E., thence right on Maryland Avenue to Constitution Avenue to its intersection with Pennsylvania Avenue, right on Pennsylvania Avenue, thence right on 11th Street, N.W. to terminal.

#### Eastbound

Leave terminal via 11th Street, N.W., thence right on E Street, N.W., thence right on 3rd Street, N.W., thence left on Adams Drive, thence right on 2nd Street, S.W., thence left on Independence Avenue to its intersection with East Capitol Street, thence right on East Capitol Street, thence left on Kenilworth Avenue, thence left on Calvert Road, thence right on Edmonston Road, thence right on Crescent Road, thence left on Hillside Road, thence right on Laurel Hill Road, thence right on Ridge Road, thence right on Eastway, thence left on Crescent Road, thence left on Southway, thence left on Greenbelt-Glendale Road to NASA.

RESTRICTED, however, in that the above described authority shall be operated "closed doors" on Kenilworth Avenue between its intersec-

tion on the north with Riverdale Road and on the south with Edmonston Road.

FURTHER RESTRICTED to express service between its terminal on 11th Street, N.W., Washington, D.C., and the Maryland-District of Columbia line.

2. That operations under said certificate during the non-rush hour periods, as defined by Commission regulations, may be terminated westbound, and originated eastbound, at the Maryland-District of Columbia line, until further order of the Commission.

3. That in all other respects the application be, and it is hereby, denied.

4. That the authority granted herein shall become effective thirty (30) days from the service date of this order.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

[Exhibit 95, cont'd]

ORDER NO. 329

IN THE MATTER OF:

Served December 6, 1963

Application of W M A Transit )  
Company for a Certificate of )  
Public Convenience & Necessity )

Application No. 253  
Docket No. 42

By motion filed November 22, 1963, W M A Transit Company seeks limited reconsideration of Order No. 325, granting W M A Transit Company a certificate of public convenience and necessity. In support of its motion, W M A Transit Company states as follows:

"1. The application filed herein by the applicant in setting forth the route description requested described the route description under four (4) headings:

"Westbound — A.M. & P.M. Rush"

"Eastbound — A.M. & P.M. Rush"

"Westbound— Between 10:00 A.M. & 3:00 P.M."

"Eastbound— Between 10:30 A.M. & 4:00 P.M."

"2. The Commission in its Order adopted the exact route description requested by the petitioner with reference to "Westbound- A.M. & P.M. Rush" and "Eastbound — A.M. & P.M. Rush", but apparently inadvertently neglected to include that portion of the description in the petition referred to as "Westbound — Between 10:00 A.M. & 3:00 P.M.", and "Eastbound — between 10:30 A.M. & 4:00 P.M."

It was the original intent of the Commission to include in the certificate granted applicant, authority to operate over all the streets requested in its application, and failure to include such authority in its Order was due to a clerical misprision. The correction of authority granted is predicated upon the evidence, findings and conclusions reached in Order No. 325. Notice that reconsideration was granted was served on all interested persons on December 5, 1963.

#### THEREFORE, IT IS ORDERED:

That Certificate of Public Convenience and Necessity No. 8, granted to the W M A Transit Company to transport passengers for hire be, and it is hereby, modified as follows:

#### REGULAR ROUTE COMMON CARRIER OPERATION:

Passengers and their baggage, and express, mail and newspapers in the same vehicle, between Washington D.C., and the NASA Goddard Flight Center, Prince Georges County, Maryland, serving intermediate points.

#### Westbound

Leave NASA via Greenbelt-Glendale Road, right on Southway to Crescent Road, right on Crescent Road to Eastway, right on Eastway to Ridge Road, left on Ridge Road to Laurel Hill Road, left on Laurel Hill Road to

Hillside Road, thence left on Hillside Road to its intersection with Crescent Road, thence right on Crescent Road to Edmonston Road, left on Edmonston Road to Greenbelt Road, thence right on Greenbelt Road to Beltway Plaza Shopping Center, thence right into Shopping Center, return to Greenbelt Road, thence left on Greenbelt Road to Edmonston Road, right on Edmonston Road to Calvert Road, thence left on Calvert Road to Kenilworth Avenue, thence right on Kenilworth Avenue to East Capitol Street, thence right on C Street, N.E., thence right on 6th Street, N.E., thence left on C Street, N.E., thence left on 4th Street, N.E., thence right on Maryland Avenue to Constitution Avenue, thence right on Constitution Avenue to its intersection with Pennsylvania Avenue, right on Pennsylvania Avenue, thence right on 11th Street, N.W. to terminal.

#### Eastbound

Leave terminal via 11th Street, N.W., thence right on E Street, N.W., thence right on 3rd Street, N.W., thence left on Adams Drive, thence right on 2nd Street, S.W., thence left on Independence Avenue to its intersection with East Capitol Street, thence right on East Capitol Street, thence left on Kenilworth Avenue, thence left on ~~Calvert~~ <sup>Calvert</sup> Road, thence right on Edmonston Road, thence left on Greenbelt Road to Beltway Plaza Shopping Center thence right into Shopping Center, return to Greenbelt Road, thence left on Greenbelt Road to Edmonston Road, thence left on Edmonston Road, thence right on Crescent Road, thence left on Hillside Road, thence right on Laurel Hill Road, thence right on Ridge Road, thence right on Eastway, thence left on Crescent Road, thence left on Southway, thence left on Greenbelt-Glendale Road to NASA.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

[Exhibit 95, cont'd]

ORDER NO. 359

IN THE MATTER OF:

Served May 1, 1964

Application of W M A Transit )  
 Company to Reroute the H and )  
 H-Express Bus Routes. )

Application No. 262

Docket No. 54

On February 17, 1964, the W M A Transit Company filed an application to change its Routes H and H-Express so as to operate over the following streets:

Route H

Westbound — Leave corner of Norris Drive and Fisher Road; left on Fisher Road; continue on Temple Hills Road; right on St. Barnabas Road; left on Beaumont Street; left on Dallas Place; left on Dallas Drive; left on St. Barnabas Road; left on 28th Avenue; left on St. Clair Drive; left on Kenton Place; right on 23rd Parkway; right on Iverson Street; left on 25th Avenue; right on Colebrooke Drive; right on Branch Avenue; left on St. Barnabas Road; right on Silver Hill Road; thence over existing route.

Eastbound — Existing route to intersection of Silver Hill Road and St. Barnabas Road; left on St. Barnabas Road; right on Branch Avenue; left on Colebrooke Drive; thence over existing route.

Route H-Express

Westbound — Leave corner of Norris Drive and Fisher Road; left on Fisher Road; continue on Temple Hills Road; right on St. Barnabas Road; left on Beaumont Street; left on Dallas Place; left on Dallas Drive; left on St. Barnabas Road; left on 28th Avenue; right at Shopping Center Entrance to Drug Fair; left on St. Clair Drive; left on Kenton Place; right on 23rd Parkway; right on Iverson Street; left on 25th Avenue; right on Colebrook Drive; left on Branch Avenue; thence over existing route.



Eastbound — Existing route to intersection of Branch Avenue and Colebrooke Drive; right on Colebrooke Drive; left on 26th Avenue; right on Iverson Street; left on 23rd Parkway; left on Kenton Place; right on St. Clair Drive; right at Shopping Center Entrance to Drug Fair; left on 28th Avenue; right on St. Barnabas Road; right on Beaumont Street; left on Dallas Place; left on Dallas Drive; right on St. Barnabas Road; left on Temple Hills Road; continue on Fisher Road; right on David Drive; left on Janice Lane; left on Norris Drive to corner.

One petition and two letters of protest to the abandonment of service along Silver Hill Road and one written protest to the proposed change in the H-Express were received by the Commission. A written statement of approval of the changes was also received. The Commission was of the opinion that all interested persons should have an opportunity to be heard on this matter, and a public hearing was held on Friday, April 10, 1964, at the Commission office before Presiding Officer Charles W. Overhouse, concerning the propriety and reasonableness of the proposed rerouting.

Captain Howard L. Peterson, Jr., U.S. Merchant Marine, the only protestant who appeared at the hearing, testified to the inconvenience that would be caused him under the proposed H-Express Route. He testified that he had no objection to the proposed rerouting of the H Route. Captain Peterson's two main objections to the proposed H-Express Route were:

1. That lengthening the H-Express Route will make it subject to schedule delays;
2. That he and the other residents who presently board at the east end of this loop along Colebrooke Drive, Iverson Street, and 26th Avenue may have to stand as passenger loads increase. These passengers are able to obtain seats at present since they are the first to board.

Mr. Ronald Zelrick, Traffic Manager for W M A Transit Company testified on behalf of the Company. The reasons for the application, according to Mr. Zelrick, are as follows:

1. Traffic checks taken along Silver Hill Road in Prince Georges County, Maryland, between Colebrooke Drive and St. Barnabas Road and on Colebrooke Drive between Silver Hill Road and Branch Avenue indicate a lack of patronage along this portion of the route.

On the average, two to three passengers board daily. These passengers would not have more than an additional block to walk.

2. The abandonment will facilitate the proposed establishment of new service via route H on St. Barnabas Road between Silver Hill Road and Branch Avenue, which will accommodate the new apartment development known as the Marlow-Madison Apartments located at the corner of Branch Avenue and St. Barnabas Road.

3. The proposed H-Express rerouting will offer express service to the residents of the Temple Hills area. This area, at present, has only local service.

4. The reversing of the H-Express loop through the Hillcrest Heights area will provide a shorter ride for the majority of the people in this area, particularly those persons boarding along Colebrooke Drive, Iverson Street, and 26th Avenue.

Mr. R. Gregory Mills, testifying for the Engineering Department of the Commission, stated that he had reviewed the application and made a study of the area. It was his opinion that the proposed changes would result in better service to the public for the following reasons:

1. Express service will be initiated in an area which presently has only local service.

2. New, local service will be established to accommodate a new apartment development.

3. The proposed abandonment will inconvenience a very few people only slightly, i.e., an average of two to three persons daily will have no more than an additional block walk to a new bus stop.

4. A circuitous routing of the H-Express will be discontinued.

The Commission finds that the lengthening of a route does not necessarily cause buses to operate late. Buses operate late because the

~~running~~ times do not adequately reflect normal operating conditions. A review of the proposed running times indicates that the buses should be able to operate, within reasonable limits, according to the proposed schedule times.

The Commission is of the opinion that the public convenience and necessity require the proposed changes and that the application should be granted.

**THEREFORE IT IS ORDERED:**

1. That W M A Transit Company be, and it is hereby, authorized to reroute the H and H-Express routes in the following manner:

**ELIMINATED PORTION:**

Silver Hill Road to Prince Georges County, Maryland, between Colebrooke Drive and St. Barnabas Road, and Colebrooke Drive between Silver Hill Road and Branch Avenue.

**REROUTED PORTION:**

**Route H**

Westbound — Leave corner of Norris Drive and Fisher Road; left on Fisher Road; continue on Temple Hills Road; right on St. Barnabas Road; left on Beaumont Street; left on Dallas Place; left on Dallas Drive; left on St. Barnabas Road; left on 28th Avenue; left on St. Clair Drive; left on Kenton Place; right on 23rd Parkway; right on Iverson Street; left on 25th Avenue; right on Colebrooke Drive; right on Branch Avenue; left on St. Barnabas Road; right on Silver Hill Road; thence over existing route.

Eastbound — Existing route to intersection of Silver Hill Road and St. Barnabas Road; left on St. Barnabas Road; right on Branch Avenue; left on Colebrooke Drive; thence over existing route.

Route H-Express

Westbound — Leave corner of Norris Drive and Fisher Road; left on Fisher Road; continue on Temple Hills Road; right on St. Barnabas Road; left on Beaumont Street; left on Dallas Place; left on Dallas Drive; left on St. Barnabas Road; left on 28th Avenue; right at Shopping Center Entrance to Drug Fair; left on St. Clair Drive; left on Kenton Place; right on 23rd Parkway; right on Iverson Street; left on 25th Avenue; right on Colebrook Drive; left on Branch Avenue; thence over existing route.

Eastbound — Existing route to intersection of Branch Avenue and Colebrooke Drive; right on Colebrooke Drive; left on 26th Avenue; right on Iverson Street; left on 23rd Parkway; left on Kenton Place; right on St. Clair Drive; right at Shopping Center Entrance to Drug Fair; left on 28th Avenue; right on St. Barnabas Road; right on Beaumont Street; left on Dallas Place; left on Dallas Drive; right on St. Barnabas Road; left on Temple Hills Road; continue on Fisher Road; right on David Drive; left on Janice Lane; left on Norris Drive to corner.

2. That at least ten (10) days prior to placing in effect the changes authorized, notice to the public shall be given by posting adequate notices in all buses operating over the routes affected.

3. That this Order become effective thirty (30) days after service.

FOR THE COMMISSION:

/s/ DELMER ISON  
Executive Director

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[Exhibit 95, cont'd]

ORDER NO. 417

IN THE MATTER OF:

Served December 1, 1964

Application of W M A Transit       )  
 Company for Temporary Authority   )  
 to Establish Route N.               )

Application No. 292

W M A Transit Company has filed an application for temporary authority to establish Route N, a shuttle service from Keystone Gardens Apartments at Maryland Route 4 and Walters Lane in Prince Georges County to the Fairfax Village bus terminal at Pennsylvania Avenue and 38th Street, S.E., Washington, D.C., in the following manner:

Westbound:

From Keystone Gardens Apartments via Section III Service Road; thence east on Keystone Lane; south on Section I Service Road; east on Evanston Street; north on Walters Lane; northwest on Maryland Route 4; northwest on Pennsylvania Avenue, S.E.; southwest on Alabama Avenue, S.E.; north on 38th Street, S.E., to bus terminal.

Eastbound:

From bus terminal on 38th Street, S.E., north on Alabama Avenue, S.E.; thence southeast on Pennsylvania Avenue, S.E.; southeast on Maryland Route 4; south on Walters Lane; west on Evanston Street; north on Section I Service Road; west on Keystone Lane; south on Section III Service Road to bus stand turnaround.

The proposed service will consist of one bus in the morning and one bus in the evening which will operate every twenty-five minutes between 6:30 a.m. and 9:00 a.m., and between 4:27 p.m., and 6:32 p.m., on weekdays.

The fare structure will be identical to that presently employed in the area. No other carriers are affected by this route.



The Commission is of the opinion that there is an immediate and urgent need for the proposed service.

THEREFORE, IT IS ORDERED that ninety (90) day temporary authority be granted W M A Transit Company, effective December 14, 1964, to establish Route N as described in the proposed route above.

FOR THE COMMISSION:

/s/ DELMER ISON  
Executive Director

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[Exhibit 97]

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

ORDER NO. 408

IN THE MATTER OF:

Served November 25, 1964

Application of Alexandria, Barcroft  
and Washington Transit Company for  
Authority to Establish Columbia Pike  
Line, Route 16, to North Springfield,  
Virginia.

Application No. 281

Docket No. 63

APPEARANCE:

S. HARRISON KAHN, attorney for Alexandria, Barcroft  
and Washington Transit Company, applicant.

This matter came before the Commission upon the application of the Alexandria, Barcroft and Washington Transit Company (A. B. & W.) for an amendment of Certificate of Public Convenience and Necessity No. 11 to authorize it to establish a regular route operation, designated as Route 16 to North Springfield, as more particularly described in the application. Notice of the application and hearing thereon was in compliance with Commission instructions.

No protests were received and no one appeared in opposition to the application at a hearing held on Wednesday, November 4, 1964.

Mr. Richard Lawson, Operations Manager of A. B. & W., testified in behalf of the applicant, and presented three (3) exhibits, which were admitted into evidence and made a part of this proceeding.

The witness testified that the proposed service has been operated for approximately five (5) months under temporary authority. This proposal will add new direct service between North Springfield and Washington, D.C. and the Pentagon. The witness also testified that in his opinion the trial period had generated sufficient patronage to justify its existence.

The Commission is of the opinion and finds that the present and future public convenience and necessity require the proposed service, that the applicant is fit, willing and able to perform the service properly and to conform to the provisions of the Act and the rules, regulations, and requirements prescribed thereunder, and that its Certificate of Public Convenience and Necessity No. 11, issued previously, be amended accordingly.

**THEREFORE, IT IS ORDERED:**

1. That Alexandria, Barcroft and Washington Transit Company be, and it is hereby, authorized to establish its Route 16 in the following manner:

To the Pentagon and Washington:

From the intersection of Virginia Route 236 and Ravensworth Road, south on Ravensworth Road to Elgar Street, left on Elgar Street to Heming Avenue, right on Heming Avenue to Leesville Boulevard, left on Leesville Boulevard to Backlick Road, left on Backlick Road to Columbia Pike, right on Columbia Pike then via regular route.

From Washington and the Pentagon:

Existing route to the intersection of Virginia Route

236 and Ravensworth Road, south on Ravensworth Road to Elgar Street, left on Elgar Street to Heming Avenue, right on Heming Avenue to Leesville Boulevard, left on Leesville Boulevard to Backlick Road, left on Backlick Road to Virginia Route 236 (end of line).

2. That Alexandria, Barcroft and Washington Transit Company Certificate of Public Convenience and Necessity No. 11 be, and it is hereby, amended by incorporating First Revised Page 12, cancelling Original Page 12, shown in Appendix A attached hereto and made a part hereof.

3. That this order become effective December 11, 1964.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

CERT. NO. 11

\* Boulevard, thence over Leesville Boulevard to junction Backlick Road, thence over Backlick Road to junction Columbia Pike, and return over the same route.

No. 94 From junction Virginia Highway No. 244 and Virginia Highway No. 617 over Virginia Highway No. 617, to junction Virginia Highway No. 644, thence over Virginia Highway No. 644 to junction Virginia Highway No. 643, thence over Virginia Highway No. 643 to junction Virginia Highway No. 645, thence over Virginia Highway No. 645 to junction Virginia Highway No. 652, thence over Virginia Highway No. 652 to Burke, Virginia, Airport, and return over the same route.

No. 95 From junction Virginia Highway No. 350 and proposed Burke, Virginia, Airport Access Road over

proposed Burke, Virginia, Airport Access Road to Burke, Virginia, Airport, and return over the same route.

- No. 96 From junction Backlick Road and Edsall Road over Edsall Road to junction Beryl Road, thence over Beryl Road to junction Sheldon Drive, thence over Sheldon Drive to junction Indian Run Parkway, thence over Indian Run Parkway, to junction Edsall Road, thence over Edsall Road to junction Beryl Road, and return over the same route.
- No. 97 From junction Franconia Road and Frontier Street over Frontier Street to junction Buckskin Street, thence over Buckskin Street to junction Pioneer Drive, thence over Pioneer Drive to junction Franconia Road, and return over the same route.
- No. 98 From junction Telegraph Road and Franconia Road over Franconia Road to junction Keene Mill Road, thence over Keene Mill Road to junction Hanover Avenue, thence over Hanover Avenue to junction Floyd Avenue, thence over Floyd Avenue to junction Backlick Road, and return over the same route.
- No. 99 From junction Duke Street and Telegraph Road over Telegraph Road to junction Franconia Road, and return over the same route.

FIRST REVISED PAGE 12  
CANCELS ORIGINAL PAGE 12  
\* CHANGED BY ORDER NO. 408

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[Exhibit 97, cont'd]

ORDER NO. 415

IN THE MATTER OF:

Served November 25, 1964

Application of Alexandria, Barcroft )  
 and Washington Transit Company for )  
 Authority to Reroute National Airport )  
 Line, Route 11. )

Application No. 282

Docket No. 64

**APPEARANCE:**

S. HARRISON KAHN, attorney for Alexandria, Barcroft  
 and Washington Transit Company, applicant.

The Alexandria, Barcroft and Washington Transit Company (A. B. & W.) filed an application on September 22, 1964, requesting authority from the Commission to reroute its National Airport Line, Route 11, as follows:

Abolished Portion:

To Bucknell Manor:

Via regular route to Cavalier Drive; left on Cavalier Drive to Cornell Drive; left on Cornell Drive to Bellevue Boulevard; left on Bellevue Boulevard to Swarthmore Drive; right on Swarthmore Drive and regular route.

Established Portion:

To Bucknell Manor:

Via regular route to Cavalier Drive; left on Cavalier Drive to Bellevue Boulevard; left on Bellevue Boulevard to Swarthmore Drive; right on Swarthmore Drive and regular route.

A hearing was held on this matter on Wednesday, November 4, 1964. Notice of the application and hearing thereon was in compliance with Commission instructions. No protests were received and no one appeared in opposition to the application.



Mr. Richard Lawson, <sup>Operations</sup> ~~Operating~~ Manager of A. B. & W., testified in behalf of the applicant, and presented four (4) exhibits, which were admitted into evidence and made a part of this proceeding.

The witness testified that the authority sought had been operated under temporary authority for approximately one (1) month. He testified the reason for the request is to eliminate a very dangerous turn at the intersection of Belleview Boulevard and Cornell Drive. The change would provide the bus operators with an additional block to observe traffic coming over the crest of a hill on Belleview Boulevard before proceeding into Belleview Boulevard.

The Commission is of the opinion that public safety requires the applicant to reroute Route 11 as requested.

**THEREFORE, IT IS ORDERED:**

1. That Alexandria, Barcroft and Washington Transit Company be, and it is hereby, authorized to abolish and establish its Route 11 in the following manner:

Abolished Portion:

To Bucknell Manor:

Via regular route to Cavalier Drive; left on Cavalier Drive to Cornell Drive; left on Cornell Drive to Belleview Boulevard; left on Belleview Boulevard to Swarthmore Drive; right on Swarthmore Drive and regular route.

Established Portion:

To Bucknell Manor:

Via regular route to Cavalier Drive; left on Cavalier Drive to Belleview Boulevard; left on Belleview Boulevard to Swarthmore Drive; right on Swarthmore Drive and regular route.

2. That Alexandria, Barcroft and Washington Transit Company Certificate of Public Convenience and Necessity No. 11, be and it is

hereby, amended by incorporating First Revised Page 13, cancelling Original Page 13, shown in Appendix A attached hereto and made a part hereof.

3. That this order become effective thirty (30) days after the issuance hereof.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

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CERT. No. 11

- No. 100 From junction Huntington Avenue, Telegraph Road and North Kings Highway over North Kings Highway to junction U.S. Highway No. 1, and return over the same route.
- No. 101 From junction U.S. Highway No. 1 and Huntington Avenue over Huntington Avenue to junction Telegraph Road, and return over the same route.
- No. 102 From junction U.S. Highway No. 1 and Old U.S. Highway No. 1, over Old U.S. Highway No. 1 to junction Huntington Avenue, and return over the same route.
- No. 103 From junction Fort Hunt Road and Belleview Boulevard, over Belleview Boulevard to junction Mount Vernon Memorial Highway, and return over the same route.
- No. 104 From junction Belleview Boulevard and Potomac Avenue over Potomac Avenue to junction River Towers Roadway, thence over River Towers Roadway to junction West Wakefield Street, thence over West Wakefield Street to junction Belleview Boulevard, and return over the same route.
- No. 105 From junction Windsor Avenue and Belle Haven Road over Belle Haven Road to junction Mount Ver-

non Memorial Highway, and return over the same route.

No. 106 From junction Fort Hunt Road and G Street, over G Street to junction Potomac Avenue, thence over Potomac Avenue to junction Belle Haven Road, and return over the same route.

\*No. 107 From junction Belle Haven Road and Windsor Avenue over Windsor Avenue to junction Olmi-Landrith Drive, thence over Olmi-Landrith Drive to junction Cavalier Drive, thence over Cavalier Drive to junction Bellevue Boulevard, thence over Bellevue Boulevard to junction Swarthmore Drive, thence over Swarthmore Drive to Junction Dartmouth Drive, thence over Dartmouth Drive to junction Duke Drive, thence over Duke Drive to junction Sweetbriar Drive, thence over Sweetbriar Drive to junction Radcliffe Drive, thence over Radcliffe Drive to junction Mary Baldwin Drive, thence over Mary Baldwin Drive to junction Kenyon Drive, thence over Kenyon Drive to

FIRST REVISED PAGE 13  
CANCELS ORIGINAL PAGE 13  
\* CHANGED BY ORDER No. 415

[Exhibit 97, cont'd]

ORDER NO. 427

IN THE MATTER OF:

Served January 15, 1965

Application of Alexandria, Barcroft )  
and Washington Transit Company for )  
Authority to Extend Fort Belvoir- )  
Washington Line, Route 9. )

Application No. 290

Docket No. 67

APPEARANCE:

S. HARRISON KAHN, attorney for Alexandria, Barcroft  
and Washington Transit Company, applicant.

The Alexandria, Barcroft and Washington Transit Company, (A. B. & W.), has filed an application requesting an amendment of Certificate

of Public Convenience and Necessity No. 11 to authorize it to establish a regular route operation, designed as Route 9, to the D.C. Department of Corrections, Workhouse Division, at Occoquan, Virginia, as more particularly described in Application No. 290. Notice of the application and hearing thereon was in compliance with Commission regulations.

The application was the subject of a hearing held on November 30, 1964. No protests were received and no one appeared at the hearing in opposition to the application.

Mr. Richard Lawson, Operations Manager of A. B. & W., testified in behalf of the application, and presented five (5) exhibits, which were admitted into evidence and made a part of this proceeding.

The witness testified that the proposed service has been operated for approximately three (3) weeks under temporary authority granted in Commission Order No. 407. He testified that the service was operating on Sundays and designated visiting days at the D.C. Penal Reservation at Lorton and Occoquan, Virginia.

The witness testified that the service is being rendered in conjunction with the D.C. Department of Corrections' rehabilitation program, and it was felt that to provide transit service would facilitate visits from the families and friends of the inmates, which appears to be an essential element in the rehabilitation of offenders.

The Commission is of the opinion and finds that public convenience and necessity require the proposed service, that the applicant is fit, willing and able to perform the service properly and to conform with the rules, regulations, and requirements of the Commission.

**THEREFORE, IT IS ORDERED:**

1. That Alexandria, Barcroft and Washington Transit Company be, and it is hereby, authorized to establish Route 9 in the following manner:

From Washington, D.C. to Virginia Highway No.  
350 (Shirley Memorial Highway — Interstate Route

No. 95) thence via Virginia Highway No. 350 to junction Virginia Highway No. 642, thence over Virginia Highway No. 642 to junction Virginia Highway No. 123, thence over Virginia Highway 123 to D.C. Department of Corrections, Workhouse Division, at Occoquan, Virginia and return over the same route.

2. That Alexandria, Barcroft and Washington Transit Company Certificate of Public Convenience and Necessity No. 11 be, and it is hereby, amended by incorporating First Revised Page 14, cancelling Original Page 14; and First Revised Page 15 cancelling Original Page 15 shown in Appendix A attached hereto and made a part hereof.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

APPENDIX A  
ORDER No. 427

CERT. No. 11

#### IRREGULAR ROUTES:

Passengers and their baggage:

#### (A) CHARTER OPERATIONS:

Round-trip or one-way;

(1) From points in Washington, D.C., the City of Alexandria, that portion of Arlington County on, south and east of U.S. Highway 50, and that part of Fairfax County on, south and east of a line beginning at the intersection of U.S. Highway 50 and the Fairfax-Arlington Counties boundary line, west on U.S. Highway 50 to its intersection with the Capital Beltway (U.S. Interstate Highway 495), thence south on the Capital Beltway (U.S. Interstate Highway 495), at its intersection with Virginia State Highway 236, thence west on Virginia State Highway 236 to its intersection with Virginia State Highway 651, thence south on Virginia State Highway 651 to its intersection with Virginia State Highway



620, thence west on Virginia State Highway 620 to its intersection with U.S. Highway 29-211, and thence west on U.S. Highway 29-211 to the intersection of the Fairfax and Loudoun Counties boundary line, to points in the Metropolitan District.

(2) From points on its routes, and a territory within one mile thereof, in Prince Georges County, Maryland, to points within the Metropolitan District.

(3) From the Dulles International Airport, Virginia to points within the Metropolitan District.

(B) SPECIAL OPERATIONS:

Round-trip or one-way;

(1) Between points on its regular routes in Virginia authorized herein, on the one hand, and points within the District of Columbia, on the other.

(2) Between points in the District of Columbia; restricted so that no daily nor regularly scheduled sightseeing operations shall be conducted between points in the District of Columbia.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

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CANCELS ORIGINAL PAGE 15  
CHANGED BY ORDER No. 427

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junction Beacon Hill Road, thence over Beacon Hill Road to junction Smithway Drive, thence over Smithway Drive to junction Mary Baldwin Drive, thence over Mary Baldwin Drive to junction Radcliffe Drive, thence over Radcliffe Drive to junction Rollins Drive, thence over Rollins Drive to junction Columbia Drive, thence over Columbia Drive to junction Quander Road, thence over Quander Road to junction Williams Drive, thence over Williams Drive to junction Belle View Boulevard, thence over Belle View Boulevard to junction Cavalier Drive, thence over Cavalier Drive to junction Cornell Drive, and return over the same route.

- No. 108 From Junction Mount Vernon Memorial Highway and Vernon View Drive (Virginia Highway No. 629) over Vernon View Drive (Virginia Highway No. 629), to junction Fort Hunt Road (Virginia Highway No. 629), thence over Fort Hunt Road (Virginia Highway No. 629), to junction U. S. Highway No. 1 (Jefferson Davis Highway), and return over the same route.
- No. 109 From Junction U. S. Highway No. 1 and Virginia Highway No. 235 over Virginia Highway No. 235 to junction Mount Vernon Memorial Highway at Mount Vernon, Virginia, and return over the same route.
- No. 110 Over all interchange points and access and interchange routes where traversal is required in the performance of transportation service over routes authorized herein.
- No. 111 From junction Virginia Highway No. 617 and Virginia Highway No. 350 (Shirley Memorial Highway), over Virginia Highway No. 350 to junction Virginia Highway No. 642, thence over Virginia Highway No. 642 to junction Virginia Highway No. 123, thence over Virginia Highway No. 123 to D. C. Department of Corrections, Workhouse Division, Occoquan, Virginia and return over the same route.

NOTE: The repetition of route description with respect to the highways over which operations are authorized

herein shall not be construed as granting more than a single operating right over said highways.

FIRST REVISED PAGE 14  
CANCELS ORIGINAL PAGE 14  
CHANGED BY ORDER NO. 427

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
[Exhibit 97, cont'd] WASHINGTON, D. C.  
ORDER NO. 428

Served January 15, 1965

IN THE MATTER OF:

Application of Alexandria,  
Barcroft and Washington  
Transit Company for Author-  
ity to Change and Extend Its  
Routes 4 and 16.

Application No. 295

Docket No. 70

APPEARANCE:

S. HARRISON KAHN, attorney for Alexandria, Barcroft and Wash-  
ington Transit Company, applicant.

The Alexandria, Barcroft and Washington Transit Company (A.B. & W.), filed an application on December 7, 1964 requesting authority to change and extend its Routes 4 and 16 via Ravensworth Farms Subdivision in Fairfax County, Virginia as set forth below:

Present Route :

Regular route to the intersection of Virginia Route 236 and Ravensworth Road, south on Ravensworth Road to Elgar Street, left on Elgar Street to Heming Avenue, right on Heming Avenue to Leesville Boulevard, left on

Leesville Boulevard to Backlick Road, left on Backlick Road to Virginia Route 236, thence regular route.

Proposed Route:

Regular route to the intersection of Virginia Route 236 and Ravensworth Road, south on Ravensworth Road to Braddock Road, right on Braddock Road to Queensbury Avenue, left on Queensbury Avenue to Heming Avenue, left on Heming Avenue to Elgar Street, right on Elgar Street to Garner Street, right on Garner Street to Chatham Street, left on Chatham Street to Glenallen Street, right on Glenallen Street to Leesville Boulevard, left on Leesville Boulevard to Backlick Road, left on Backlick Road to Virginia Route 236, thence regular route.

A public hearing was held on this matter on January 8, 1965. Notice of the application and hearing was in compliance with Commission regulations.

Two witnesses testified on the matter and one letter of protest was received.

[2] Mr. Richard F. Lawson, Operations Manager of A. B. & W., testified in behalf of the application, and presented three exhibits which were admitted into evidence and made a part of this proceeding.

The witness testified that numerous requests had been received for transit service to the Ravensworth Farms area. He also stated that the Commission had requested the Company to provide service to the area and it was the Company's opinion that service could be provided best by re-routing the present Routes 4 and 16.

Mr. Arthur L. Goodall, 7307 Inzer Street, Springfield, Virginia, representing the North Springfield Civic Association, testified that the Civic Association offered no objections to the rerouting via Ravensworth Farms Subdivision but that the Association recommended that the route in North Springfield be extended further north to accommodate more of the North Springfield area.

One letter of protest was received from Mrs. Stanley W. Miller, 5204 Ravensworth Road, Springfield, Virginia. The main objections listed were that service to a part of the Crestwood Subdivision would be eliminated and that the proposed routing was circuitous.

The Commission finds that if the routes were extended further north in North Springfield, it would require additional running time and mileage to an already circuitous route. This would tend to make the service unattractive to the majority of the patrons.

In the matter of the elimination of a portion of the present route in the Crestwood Subdivision, the Commission finds that although the proposed route does not go through the entire Subdivision, it does come within reasonable distance of most residents of the area, thus enabling service to be provided to the Ravensworth Farms area.

The Commission, after having given consideration to all recommendations and objections, is of the opinion and finds that the route as proposed in the application would best serve the needs of Ravensworth Farms, the North Springfield and surrounding areas.

**THEREFORE, IT IS ORDERED:**

1. That Alexandria, Barcroft and Washington Transit Company be, and it is hereby, authorized to abolish and establish its Routes 4 and 16 in the following manner:

Abolished Portion:

From the intersection of Virginia Route 236 and Ravensworth Road, south on Ravensworth Road to Elgar Street, left on Elgar Street to Heming Avenue, right on Heming Avenue to Leesville Boulevard, left on Leesville Boulevard to Backlick Road.

[3] Established Portion:

From the intersection of Virginia Route 236 and Ravensworth Road, south on Ravensworth Road to Braddock Road, right on Braddock Road to Queensbury Avenue, left on Queensbury Avenue to Heming Avenue, left on Heming Ave-



nue to Elgar Street, right on Elgar Street to Garner Street, right on Garner Street to Chatham Street, left on Chatham Street to Glenallen Street, right on Glenallen Street to Leesville Boulevard, left on Leesville Boulevard to Backlick Road.

2. That Alexandria, Barcroft and Washington Transit Company Certificate of Public Convenience and Necessity No. 11 be, and it is hereby, amended by incorporating First Revised Page 11, cancelling Original Page 11, and shown in Appendix A attached hereto and made a part hereof.

3. That this Order become effective February 15, 1965.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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[Appendix A  
Order No. 428]

- No. 86 From junction South Wakefield Street and South 8th Street over South 8th Street to junction South Buchanan Street, thence over South Buchanan Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 87 From junction Virginia Highway No. 7 and Hardin Street over Hardin Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 88 From junction Virginia Highway No. 7 and Glen Carlyn Road over Glen Carlyn Road to junction South 5th Street, thence over South 5th Street to junction South Carlyn Springs Road, thence over South Carlyn Springs Road to junction South 8th Road, thence over South 8th Road to junction South Greenbrier Street, thence over South Greenbrier Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.

- No. 89 From junction Glen Carlyn Drive and Vista Drive over Vista Drive to junction Lake Street, thence over Lake Street to junction Knollwood Drive, and return over the same route.
- No. 90 From junction Virginia Highway No. 7 and Carlyn Court, over Carlyn Court to junction Argyle Drive, thence over Argyle Drive to junction Glen Carlyn Drive, thence over Glen Carlyn Drive to junction Knollwood Drive, thence over Knollwood Drive to junction Lake Street, thence over Lake Street to junction Tyler Street, thence over Tyler Street to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- No. 91 From junction Virginia Highway No. 236 and Heritage Drive, over Heritage Drive to junction Americana Drive, thence over Americana Drive to Apartment's Parking Lot, and return over the same route.
- No. 92 From junction Virginia Highway No. 236 and U. S. Highway No. 495 (Capital Beltway) over U. S. Highway No. 495 (Capital Beltway) east to junction U. S. Highway No. 1 (Jefferson Davis Highway), and return over the same route.
- \*No. 93 From junction Virginia Highway No. 236 and Ravensworth Road over Ravensworth Road to junction Braddock Road, thence over Braddock Road to junction Queensbury Avenue, thence over Queensbury Avenue to junction Heming Avenue, thence over Heming Avenue to junction Elgar Street, thence over Elgar Street to junction Garner Street, thence over Garner Street to junction Chatham Street, thence over Chatham Street to junction Glenallen Street, thence over Glenallen Street to junction Leesville.

FIRST REVISED PAGE 11  
CANCELS ORIGINAL PAGE 11  
\*CHANGED BY ORDER NO. 428

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

[Exhibit 97, cont'd]

ORDER NO. 468

Served April 8, 1965

IN THE MATTER OF:

Application of Alexandria,  
Barcroft and Washington  
Transit Company for Authority  
to Change Its Routes No. 10  
in Arlington, Virginia

Application No. 301

Docket No. 73

APPEARANCE:

S. HARRISON KAHN, Attorney for Alexandria, Barcroft  
and Washington Transit Company, applicant.

The Alexandria, Barcroft and Washington Transit Company (A. B. & W.) filed an application on January 25, 1965, requesting authority from the Commission to change its Alexandria-Arlington Line, Route 10, so as to operate in both directions over South Kenmore Street and South Walter Reed Drive from the intersection of Shirlington Road and South Kenmore Street to the intersection of South Walter Reed Drive and South Glebe Road, in lieu of its present operation over Shirlington Road and South Glebe Road.

The following is a detailed description of the change:

PRESENT ROUTE

Via regular route to Shirlington Road, thence via Shirlington Road to South Glebe Road, left on South Glebe Road to South Walter Reed Drive, right on South Walter Reed Drive and regular route.

PROPOSED ROUTE

Via regular route to Shirlington Road, thence via Shirlington Road to South Kenmore Street, left on

South Kenmore Street to South Walter Reed Drive, right on South Walter Reed Drive and regular route.

A public hearing was held on this matter on March 8, 1965. Notice of the application and hearing was in compliance with Commission regulations.

No protests were received and one witness testified on the matter.

Mr. Richard Lawson, Operations Manager of A. B. & W., testified that the proposed rerouting will not change the schedule or fare and presented three exhibits which were admitted into evidence and made a part of this proceeding. The witness testified that the reason for requesting the change is to utilize the improved four-lane South Kenmore Street in lieu of using the two-lane Shirlington Road, and for operating convenience to eliminate a dangerous left turn from Shirlington Road onto South Glebe Road.

This line is operated jointly by A. B. & W. and the Washington, Virginia and Maryland Coach Company (W. V. & M.). The Commission has received application from W. V. & M. requesting the same change as set forth herein. The Commission is entering a decision for W. V. & M. concurrently with this Order.

The Commission is of the opinion that the public convenience and necessity require the applicant to reroute Alexandria-Arlington Line, Route 10, as requested.

**THEREFORE, IT IS ORDERED:**

1. That the Alexandria, Barcroft and Washington Transit Company be, and it is hereby, authorized to abolish and establish its Alexandria-Arlington Line, Route 10, as set forth above.

2. That the Alexandria, Barcroft and Washington Transit Company post notice of this change on the bus stops along the abolished portion of the route.

3. That the Alexandria, Barcroft and Washington Transit Company, Certificate of Public Convenience and Necessity No. 11, be, and it is

hereby, amended by incorporating First Revised Page 8, cancelling Original Page 8, shown in Appendix A attached hereto and made a part hereof.

4. That this Order become effective April 18, 1965.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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[Appendix A  
Order No. 468]

- \* over Shirlington Road to junction South Kenmore Street, thence over South Kenmore Street to South Walter Reed Drive, thence over South Walter Reed Drive to junction South Glebe Road and return over the same route.
- No. 59 From junction Shirlington Road and South 24th Road over South 24th Road to junction South Glebe Road, and return over the same route.
- No. 60 From junction Virginia Highway No. 7 and Quaker Lane over Quaker Lane to junction Virginia Highway No. 350 (Shirley Memorial Highway) and return over the same route.
- No. 61 From junction Virginia Highway No. 7 and South Wakefield Street over South Wakefield Street to junction South 34th Street, thence over South 34th Street to junction South Utah Street, thence over South Utah Street to junction South 36th Street, and return over the same route.
- No. 62 From junction South Wakefield Street and South 36th Street over South 36th Street to junction Quaker Lane and return over the same route.
- No. 63 From junction South 36th Street and South Stafford Street over South Stafford Street to junction South



32nd Road, thence over South 32nd Road to junction Quaker Lane, and return over the same route.

- No. 64 From junction Quaker Lane and South 33rd Street over South 33rd Street to junction South Stafford Street and return over the same route.
- No. 65 From junction South Utah Street and South 34th Street over South 34th Street to junction South Stafford Street, and return over the same route.
- No. 66 From junction Quaker Lane and South Utah Street over South Utah Street to junction South Stafford Street, thence over South Stafford Street to junction South 32nd Road, thence over South 32nd Road to junction South Utah Street, thence over South Utah Street to junction South 34th Street, thence over South 34th Street to access roads across Shirley Memorial Highway to junction South Abingdon Street, thence over South Abingdon Street to junction South 31st Street, and return over the same route.

FIRST REVISED PAGE 8  
CANCELS ORIGINAL PAGE 8  
\*CHANGED BY ORDER NO. 468

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 513

[Exhibit 97, cont'd]

Served July <sup>30,</sup>~~19,~~ 1965

IN THE MATTER OF:

Application of Alexandria,  
Barcroft and Washington  
Transit Company to Change  
and Extend Routes Nos. 3,  
6, 7, 8, 9, 11, 12, 13, and 15.

Application No. 325

Docket No. 92

APPEARANCES:

S. HARRISON KAHN, Attorney for Alexandria, Barcroft  
and Washington Transit Company, applicant.

SHANNON TRUMBO, 610 South 19th Street, Arlington,  
Virginia, appearing as spokesman for members of the  
public present.

The Alexandria, Barcroft and Washington Transit Company (A. B.  
& W.), filed Application No. 325 on May 28, 1965, for authority to change  
and/or extend Routes Nos. 3, 6, 7, 8, 9, 11, 12, 13 and 15, in the City of  
Alexandria and the Counties of Arlington and Fairfax, Virginia.

The proposed changes and the alleged reasons for these changes  
are:

ROUTE NO. 3. To provide a more direct service between Alex-  
andria and the new Nassif office building and apartment complex on  
Columbia Pike and to establish a better transfer point between this  
route and the Columbia Pike Line, Route No. 16, the Company proposed  
to operate Route 3 as follows:

Regular route to Payne Street; right on Payne Street  
to Hardin Street, Hardin Street to Columbia Pike;

left on Columbia Pike to Leesburg Pike and regular route.

[2] ROUTES NOS. 6 AND 8. Due to the lack of patronage on both Routes Nos. 6 and 8 during the base day, the Company proposed to combine the two routes in order to obtain a better load factor and to operate as follows:

Proposed Route: KING STREET Regular route on King Street to Braddock Road; left on Braddock Road to N. Early Street; right on N. Early Street to Menokin Drive; right on Menokin Drive to Brad-Lee service roadway; right on Brad-Lee service roadway to N. Dearing Street; left on N. Dearing Street to Wakefield Street (South Fairlington); via Wakefield Street to 34th Street; right on 34th Street to Utah Street; right on Utah Street to 36th Street; left on 36th Street to Stafford Street; left on Stafford Street to 32nd Road; right on 32nd Road to Preston Street (Parkfairfax); thence over regular route.

Proposed Route: JANNEY'S LANE Regular route to Quaker Lane; thence via Quaker Lane to Brad-Lee service roadway; left on Brad-Lee service roadway to N. Dearing Street; right on N. Dearing Street to Wakefield Street (South Fairlington); via Wakefield Street to 34th Street; right on 34th Street to Utah Street; right on Utah Street to 36th Street; left on 36th Street to Stafford Street; left on Stafford Street to 32nd Road; right on 32nd Road to Preston Street (Parkfairfax); thence over regular route.

ROUTE NO. 7. To extend service to the new Landmark Shopping Center and apartment complex in the area of Shirley Highway and Duke Street and to provide service on N. Van Dorn Street into Brookville and Shirley Duke, the Company proposed to replace present Route No. 8 with Route No. 7 in this area as follows:

Present service which terminates at Southern Towers will be extended to Shirley-Duke Apartments via Semi-

nary Road; Kenmore Avenue, N. Van Dorn Street; Taney Avenue.

Lincolnia service will be extended to serve the new Landmark Shopping Center and the new apartment complex on Duke Street. The route will be via Duke Street; thru Landmark to Van Dorn Street; [3] right on Van Dorn Street to Duke Street; left on Duke Street to Pickett Street; right on Pickett Street to Van Dorn Street; right on Van Dorn Street to Edsall Road; right on Edsall Road to Woodland Drive; right on Woodland Drive to Pickett Street.

ROUTE NO. 11. To provide a rush-hour service on George Washington Memorial Highway between Mount Vernon and Washington, D.C., and to serve the new Landmark Shopping Center and apartment complex at Shirley Highway and Duke Street, the Company proposed to operate Route No. 11 as follows:

Present service which terminates at Shirley-Duke and Cameron Station will be extended via Duke Street to N. Van Dorn Street; right on N. Van Dorn Street and thence left through Landmark to Duke Street; right on Duke Street to State Route #713; right on State Route #713 to Lincolnia Road; right on Lincolnia Road to Beauregard Street; right on Beauregard Street to Layover point of Klein's Store driveway.

Three A. M. and Three P. M. trips will be provided between the end of the line at Mount Vernon and Washington, D. C., operating via George Washington Memorial Parkway.

ROUTES NOS. 9, 12, 13, 15. To provide service to the new Horizon House Apartments on Army-Navy Drive, Arlington, Virginia, and serve the same area of Routes No. 9, 12, 13, and 15, the Company proposes to operate as follows:

ROUTE NO. 9 - Regular route to No. 1 Highway; thence via No. 1 Highway to S. 23rd Street; left

on S. 23rd Street to S. Eads Street; right on S. Eads Street to Army-Navy Drive; left on Army-Navy Drive to S. Hayes Street; right on S. Hayes Street to the Pentagon Building.

ROUTE NO. 12 - Regular route to S. 23rd Street; thence via 23rd Street to S. Hayes Street; left on S. Hayes Street to S. 15th Street; left on S. 15th Street to S. Joyce Street; right on S. Joyce Street to Army-Navy Drive; right on Army-Navy Drive to ramp to Shirley Highway; thence via Shirley Highway and the 14th Street Bridge.

[4] Rush-hour Memorial Bridge service will continue to operate via 23rd Street to S. Eads Street.

Highway Bridge service will be eliminated on 23rd Street between S. Hayes Street and S. Eads Street.

ROUTE NO. 13 - Regular route to No. 1 Highway; thence via No. 1 Highway to S. 23rd Street; left on S. 23rd Street to S. Eads Street; right on S. Eads Street to S. 15th Street; right on S. 15th Street to No. 1 Highway; left on No. 1 Highway and regular route.

ROUTE NO. 15 - Arna Valley rush-hour trips and base day Russell Road trips will operate via regular route to Army-Navy Drive; thence via Army-Navy Drive to ramp to Shirley Highway and regular route.

Rush-hour Russell Road trips which now "by-pass" Arna Valley will operate as at present via 20th Street and S. Hayes Street.

Service on S. 23rd Street between Army-Navy Drive and Arlington Ridge Road will be discontinued except for three rush-hour trips.

A public hearing was held June 28, 1965, on this matter at the offices of the Commission, 1815 North Fort Myer Drive, Arlington, Virginia. Notice of the application and hearing was in compliance with Commission regulations.



A. B. & W. presented its case through Mr. Richard F. Lawson, Operations Manager, who presented twenty-three (23) exhibits which were admitted into evidence. At the hearing, Mr. Lawson requested that the application be amended so that the Route No. 9 buses operate on 15th Street between Eads and Hayes Streets, in lieu of operating on Army-Navy Drive. This request was prompted because of the prohibition of left turns at the intersection of Hayes Street and Army-Navy Drive. The request was granted.

Mr. Lawson also testified that the Company desired that Route No. 11 be extended to serve Orleans Village Apartments. The request to amend the application in this respect was also granted.

[5] In general, Mr. Lawson testified that the recent population growth in the territory served by A. B. & W. indicated that the Company should revise its routes to better serve its patrons.

No one appeared in protest to the revisions of Routes Nos. 3, 6, 7, 8, 9, 11, and 13, and the Commission finds that public convenience and necessity require the revisions as proposed by the Company.

Seven witnesses testified as protestants to changes of Routes Nos. 12 and 15, one of whom misunderstood the proposed reroutings and indicated that he would be satisfied with the proposed service when he learned that one of the routes would be one block from his home.

The testimony of the other six witnesses indicated that two of them were regular bus riders and that the other four, although not regular bus riders, were concerned about the proposed reroutings because they felt that adequate local intra-state service would not be provided for persons wishing to utilize the shopping area in the vicinity of 23rd and Eads Streets.

One witness was concerned about school children, some of whom might be required to walk an additional three blocks. Another witness was concerned because the proposed rerouting would be in front of her home and the buses might disturb a day sleeper in her home.

One of the regular bus riders testified that although rush hour commute service would be provided past his home at the times that he normally uses bus service, he would be forced to walk three blocks at other times.

The other regular bus rider testified that he would be required to walk two blocks from his home to the proposed route but that although he did not think it an unreasonable distance, he was concerned about other bus patrons.

Mr. Charles E. Hammond, Executive Assistant to the Arlington County Public Utilities Commission, made a statement suggesting that service be not curtailed along 20th and 23rd Streets and that only rush-hour service be offered to the new community along Army-Navy Drive.

The exhibits submitted by Mr. Lawson clearly indicate that few passengers use the bus service at the time the company wishes to re-route the buses from 20th and 23rd Streets. It is apparent that the routings, as proposed by the Company, will more adequately serve the area. Few passengers would be adversely affected by being required [6]to walk an additional three blocks at the maximum. The Company will be required to add bus trips along 20th and 23rd Streets when justified by passenger traffic. Such service adjustments can be accomplished administratively and formal action is not required.

The Commission finds that the changes in Routes Nos. 3, 6, 7, 8, 9, 11, 12, 13, and 15, are in the public interest.

**THEREFORE, IT IS ORDERED:**

1. That Alexandria, Barcroft and Washington Transit Company be, and it is hereby, authorized to abolish and establish its Routes Nos. 3, 6, 7, 8, 9, 11, 12, 13, and 15 in the following manner:

**ROUTE NO. 3**

**Abolished Portion:**

From the intersection of Payne Street and Leesburg Pike (Va. Route #7), northwest on Leesburg Pike to Columbia Pike (Va. Route #244).

Established Portion:

From the intersection of Payne Street and Leesburg Pike (Va. Route #7), continue on Hardin Street to Columbia Pike; left on Columbia Pike to Leesburg Pike.

ROUTE NO. 6 and 8Established Portion:

**KING STREET** - From the intersection of King Street and Braddock Road, west on Braddock Road to N. Early Street; right on N. Early <sup>Street</sup> to Menokin Drive; right on Menokin Drive to Brad-Lee service roadway; right on Brad-Lee service Roadway to N. Dearing Street; left on N. Dearing Street to Wakefield Street; via Wakefield Street to 34th Street; right on 34th Street to Utah Street; right on Utah Street to 36th Street; left on 36th Street to Stafford Street; left on Stafford Street to 32nd Road; right on 32nd Road to Quaker Lane.

**JANNEY'S LANE** - From the intersection of Braddock Road and Quaker Lane; north on Quaker Lane to Brad-Lee service roadway; left on Brad-Lee service roadway to N. Dearing Street.

[7] ROUTE NO. 7Established Portions:

**EDSALL GARDENS** - From the intersection of Beau-regard and Duke Streets; east on Duke Street to Landmark Shopping Center; thru Landmark Shopping Center to Van Dorn Street; right on Van Dorn Street to ~~the~~ <sup>Dulce</sup> Street; left on Duke Street to Pickett Street; right on Pickett Street to Van Dorn Street, right on Van Dorn Street to Edsall Road; right on Edsall Road to Woodland Drive; right on Woodland Drive to Pickett Street.

**SHIRLEY DUKE** - From the entrance roadways to Southern Towers Apartments on Seminary Road; east on Seminary Road to Kenmore Avenue, right on Kenmore Avenue to Van Dorn Street; left on Van Dorn Street to Taney Avenue; left on Taney Avenue to Raleigh Avenue.

ROUTE NO. 9PEstablished Portion:

From the intersection of U. S. Highway No. 1 and South 23rd Street; west on South 23rd Street to South Eads Street; right on South Eads Street to South 15th Street; left on South 15th Street to Hayes Street; right on Hayes Street to the Pentagon Building.

ROUTE NO. 11Established Portion:

From the entrance roadway to Cameron Station on Duke Street; west on Duke Street to N. Van Dorn Street; right on N. Van Dorn Street to entrance to Landmark Shopping Center; thru Landmark Shopping Center to Duke Street; right on Duke Street to Southland Drive; Southland Drive to Frenchman Drive; Frenchman Drive to east driveway of Orleans Village; east driveway to King Louis Drive; King Louis Drive to Southland Avenue; Southland Avenue to Duke Street.

GEORGE WASHINGTON MEMORIAL PARKWAY  
ROUTE - From Mount Vernon Via the George Washington Memorial Parkway to the intersection of George Washington Memorial Parkway and Belle View Boulevard.

[8] ROUTE NO. 12Established Portion:

From the intersection of South 23rd Street and Hayes Street; north on Hayes Street to South 15th Street; left on South 15th Street to South Joyce Street; right on South Joyce Street to Army-Navy Drive; right on Army-Navy Drive to Shirley Highway; thence Shirley Highway to Washington, D.C.

ROUTE NO. 13Established Portion:

From the intersection of U. S. Highway No. 1 and South 23rd Street; west on South 23rd Street to South Eads

Street; right on South Eads Street to South 15th Street;  
right on South 15th Street to U. S. Highway No. 1.

ROUTE NO. 15

Established Portion:

From the intersection of South 23rd Street and Army-Navy Drive; north on Army-Navy Drive to South Joyce Street.

2. That Alexandria, Barcroft and Washington Transit Company Certificate of Public Convenience and Necessity No. 11 be, and it is hereby, amended by incorporating First Revised Pages 2, 6, and 7, Cancelling Original Pages 2, 6, and 7, shown in Appendix A attached hereto and made a part hereof.
3. That Alexandria, Barcroft and Washington Transit Company post notice of the change in each of its vehicles operating over the affected routes at least ten (10) days prior to the effective date.
4. That this Order become effective September 6, 1965.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

[Appendix A  
Order No. 513]

Service is authorized to and from all intermediate points except those on the indicated portion of U.S. Highway No. 1 and except those on Virginia Highway No. 617 within one-fourth mile of U.S. Highway No. 1.

- No. 2 From Fort Belvoir, Virginia over U. S. Highway No. 1 to Washington, D. C., and return over the same route.
- No. 3 From Mount Vernon, Virginia over Mount Vernon Memorial Highway to the Arlington Memorial Bridge,



thence over the Arlington Memorial Bridge to Washington, D. C., and return over the same route.

- No. 4 From Annandale, Virginia over Virginia Highway No. 244 (Columbia Pike) and access roads in the area of the Navy Annex and the Pentagon Building to junction U. S. Highway No. 1, and return over the same route.
- No. 5 From junction U. S. Highway No. 1 (Jefferson Davis Highway) and Woodrow Wilson Bridge approach, Alexandria, over Woodrow Wilson Bridge to junction Anacostia Freeway, thence over Anacostia Freeway to Washington, D.C., and return over the same route.
- No. 6 From junction Woodrow Wilson Bridge, Anacostia Freeway, and Capital Beltway, Maryland, over Capital Beltway to junction Maryland Highway No. 210 (Indian Head Highway), thence over Maryland Highway No. 210 to Washington, D.C., and return over the same route.
- RESTRICTION: No passengers shall be transported over the routes authorized in ~~Ridge Road, thence~~ ~~tween~~ any two points in Maryland, or between points in Maryland and points in the District of Columbia.
- No. 7 From Washington, D. C. across Arlington Memorial Bridge to Arlington Memorial Avenue, thence over Arlington Memorial Avenue to junction Arlington Ridge Road, thence over Arlington Ridge Road to junction Virginia Highway No. 244 (Columbia Pike), and return over the same route.
- \*No. 8 Between junction of Virginia Highway No. 7 and Glen Carlyn Road over Virginia Highway No. 7 to junction Virginia Highway No. 244 (Columbia Pike) and between junction Virginia Highway No. 7 and Payne Street over Virginia Highway No. 7 to Alexandria, Virginia.

*paragraphs  
5 and 6  
between*

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\*CHANGED BY ORDER NO. 513

- No. 35 From Bridge 10 over "H-3" Roadway to Jefferson Davis Highway.
- No. 36 From "H" Roadway and Ramp over Ramp to "A" Roadway.
- No. 37 From under Bridge 8 over Ramp to Classification Yard.
- No. 38 From "H" Roadway under Bridge 10 to Ramp to Roadway from Classification Yard.
- No. 39 From "H" Roadway under Bridge 8 to Ramp from Classification Yard.
- No. 40 From "H" Roadway and Ramp to Bridge 9, thence under Bridge 8 to Ramp from Classification Yard.
- No. 41 From junction Mount Vernon Memorial Highway and Smith Boulevard - National Airport Roadway, South Entrance - over Smith Boulevard (Airport Roadway) to junction Mount Vernon Memorial Highway and Smith Boulevard - National Airport Roadway, North Entrance, and return over the same route.
- No. 42 From junction Army-Navy<sup>Drive</sup> and South Fern Street over South Fern Street to junction South 15th Street, thence over South 15th Street to junction Abingdon Drive, thence via Abingdon Drive around Building T-7 to junction South 15th Street and Mount Vernon Memorial Highway, and return over the same route.
- No. 43 From junction South Glebe Road and Army-Navy Drive over Army-Navy Drive to junction U. S. Highway No. 1 and return over the same route.
- No. 44 From junction Army-Navy Drive and South Lynn Street over South Lynn Street to junction Arlington Ridge Road, thence over Arlington Ridge Road to Alexandria, Virginia, and return over the same route.

\*No. 45 Between junction Army-Navy Drive and South Joyce Street over South Joyce Street to junction South 15th Street, thence over South 15th Street to junction South Eads Street.

No. 46 From junction South 23rd Street and South Eads Street over South Eads Street to junction South 15th Street and return over the same route.

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\*CHANGED BY ORDER NO. 513

\*No. 47 Between junction South 23rd Street and South Hayes Street over South Hayes Street to Bridge 11.

\*No. 48 Between junction Arlington Ridge Road and South 20th Street over South 20th Street to junction South Hayes Street.

\*No. 49 Between junction Army-Navy Drive and South 23rd Street over South 23rd Street to junction South Eads Street.

No. 50 From junction South Glebe Road and South Meade Street over South Meade Street to junction South 28th Street, thence over South 28th Street to junction South 26th Street, thence over South 26th Street to junction South Wayne Street, thence over South Wayne Street to junction South 27th Street, thence over South 27th Street to junction South Adams Street, thence over South Adams Street to junction Army-Navy Drive, and return over the same route.

No. 51 From junction South Glebe Road and South 27th Street over South 27th Street to junction South Adams Street, and return over the same route.

No. 52 From junction South Glebe Road and South 26th Street over South 26th Street to junction South Wayne Street, and return over the same route.

No. 53 From junction Virginia Highway No. 244 (Columbia Pike) and South Glebe Road over South Glebe Road to

junction U. S. Highway No. 1, and return over the same route.

- No. 54 Shirlington Rotary in its entirety.
- No. 55 From junction South 31st Street and South Randolph Street over South Randolph Street to junction Arlington Mill Drive and return over the same route.
- No. 56 From junction Shirlington Road and South 29th Street over South 29th Street to junction South Quincy Street and return over the same route.
- No. 57 From junction Shirlington Road and South 28th Street over South 28th Street to junction South Randolph Street and return over the same route.
- No. 58 From junction South 29th Street, and Shirlington Road

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 CANCELS ORIGINAL PAGE 7  
 \*CHANGED BY ORDER NO. 513

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[Exhibit 98]  
 BEFORE THE  
 WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
 WASHINGTON, D.C.  
 ORDER NO. 451

Served March 5, 1965

IN THE MATTER OF:

Application of W M A Transit  
 Company for Authority to  
 Establish Route "O".

Application No. 306

Docket No. 77

The W M A Transit Company filed an application requesting an amendment of Certificate of Public Convenience and Necessity No. 8 to authorize it to establish a regular route operation, designated as Route "O", and more particularly described in Application No. 306.

Notice of the application and hearing thereon was in compliance with Commission instructions.

A public hearing on this matter was held March 3, 1965. Mr. Ronald Zelrich, Traffic Manager, W M A Transit Company, gave testimony for the Company. He offered four exhibits which were received in evidence.

Briefly, his testimony was that the Company was presently conducting service over Route "O" under temporary authority from the Commission and that the revenue received is greater than the costs of operation.

There were no protests received, and no one appeared in opposition to the application.

The Commission is of the opinion and finds that public convenience and necessity require the proposed service.

**THEREFORE, IT IS ORDERED:**

1. That W M A Transit Company be, and it is hereby, authorized to establish Route "O" in the following manner:

From Washington, D. C. over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.

2. That W M A Transit Company Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by incorporating First Revised Page 6, cancelling Original Page 6, shown in Appendix A attached hereto and made a part hereof.

3. That this order become effective March 27, 1965.

**BY DIRECTION OF THE COMMISSION:**

/s/ Delmer Ison  
Executive Director



[Appendix A  
Order No. 451]

No. 36 From junction of Southern Avenue and South Capital Street, over Maryland Route 210, Parkway Drive, Seneca Drive, Oneida Way, Rolph Way, Woodland Drive, Parkway Drive, Maryland Route 210, Kirby Hill Road, Oxon Hill Road to Kirby Hill and return over the same route.

\*No. 37 From Washington, D.C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia serving all intermediate points as follows:

- (1) Along Pennsylvania Avenue, S.E., east of the Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E., to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue, S.E., to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E., to H Street, S.E.
- (9) Along H Street, S.E., from Hanna Place, S.E., to Alabama Avenue, S.E.
- (10) Along Alabama Avenue, S.E., from H Street, S.E., to Hillside Road, S.E.

- (11) Along Hillside Road, S.E., from Alabama Avenue, S.E., to Benning Road, S.E.
- (12) Along Ridge Road, S.E., from Bowen Road, S.E., to Southern Avenue.
- (C) Between points within the District of Columbia west of 60th and East Capital Streets, N.E. and points within the District of Columbia, serving all intermediate points as follows:
  - (1) Along East Capital Street from 60th Street, N.E., to Southern Avenue.
  - (2) Along 63rd Street, N.E., from Southern Avenue to Eastern Avenue.
  - (3) Along Southern Avenue from 63rd Street, N.E., to Eastern Avenue.
  - (4) Along Eastern Avenue from 63rd Street, N.E., to Southern Avenue.
  - (5) Along Eastern Avenue from Addison-Chapel Road to Kenilworth Avenue.

FIRST REVISED PAGE 6  
 CANCELS ORIGINAL PAGE 6  
 \*ADDED BY ORDER NO. 451

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

[Exhibit 98, cont'd]

ORDER NO. 508

Served July 30, 1965

IN THE MATTER OF:

Applications of WMA Transit  
Company to Change Route "D",  
Establish Route "W", and Aban-  
don and Extend Portions of Route  
"S".

Applications Nos. 315 and 316

Docket No. 84

## APPEARANCES:

STANLEY KAMEROW, Attorney for WMA Transit Company,  
applicant.

GORDON PHILLIPS, Attorney for D. C. Transit System, Inc.,  
protestant.

WMA Transit Company (WMA), filed an application (No. 315), to change its Route "D" and establish Route "W". Later it filed an application (No. 316), to abandon a portion of, and also to extend a portion of, its Route "S". The proposals are as follows:

Route "D" - Westbound

Leave bus stand at rear of Hecht Company, Marlow Heights, Maryland; north on St. Clair Drive; thence southeast and northeast on Shopping Center Service Road; southeast on Branch Avenue; southwest on St. Barnabas Road; west on Oxon Hill Road; northwest on Livingston Road; east on Birchwood Drive; thence over existing route to 11th Street, N. W.

Route "D" - Eastbound

Follow existing route to intersection of Oxon Hill Road and Livingston Road; thence east on Oxon Hill

Road; northeast on St. Barnabas Road; northwest on 28th Avenue; north on St. Clair Drive to bus stand at rear of Hecht Company, Marlow Heights, Maryland.

[2] Route "W" - Westbound

Leave bus shelter at Heather Hill Apartments, Prince Georges County, via service road; thence southwest on Fisher Road; west on Brinkley Road; north on Glen Rock Drive; west and south on Chestnut Street; west on Brinkley Road; west on Oxon Hill Road; southeast on Livingston Road; west on Wentworth Drive; north on Haven Avenue; west on Shelby Drive; south on Leyte Drive; east on Lindsay Road; southwest on Livingston Road; north on Indian Head Highway; east on Livingston Road; north on Livingston Terrace; east on Marcy Avenue; north on Deal Drive; east on Kennebec Street; north on 4th Avenue; west on Irvington Street; southwest and west on Audrey Lane; north on Indian Head Highway; north on South Capitol Street; northwest on Canal Street; north on 1st Street, S.W., and N.W., northwest on Pennsylvania Avenue, N.W.; north on 11th Street, N.W. to bus stand south of E Street, N.W.

Route "W" - Eastbound

Leave bus stand south of E Street, N.W.; north on 11th Street, N.W.; thence east on E Street, N.W.; south on 3rd Street, N.W.; east on Adams Drive; south on 2nd Street, S.W.; southeast on Canal Street; south on South Capitol Street; south on Indian Head Highway; east and northeast on Audrey Lane; east on Irvington Street; south on 4th Avenue; west on Kennebec Street; south on Deal Drive; west on Marcy Avenue; south on Livingston Terrace; west on Livingston Road; south on Indian Head Highway; northeast on Livingston Road; west on Lindsay Road; north on Leyte Drive; east on Shelby Drive; south on Haven Avenue; east on Wentworth Drive; northwest on Livingston Road; east on Oxon Hill Road; east on Brinkley Road; north on Chestnut Street; south on Glen Rock

Drive; east on Brinkley Road; northeast on Fisher Road; northwest on service road to bus shelter on Heather Hill Apartments.

Route "S" - Westbound

Leave front of Cafritz Memorial Hospital, southwest on Southern Avenue; thence east on Oakcrest Drive to Southview Apartments; west on Oakcrest Drive; southwest on Southern Avenue to intersection of South Capitol Street and Southern Avenue.

[3] Route "S" - Eastbound

Leave intersection of South Capitol Street and Southern Avenue; northeast on Southern Avenue; thence east on Oakcrest Drive to Southview Apartments; west on Oakcrest Drive; northeast on Southern Avenue to Cafritz Memorial Hospital.

RESTRICTION: The performance of the transportation on Route "S" is restricted to preclude the transportation of passengers whose transportation is solely within the District of Columbia.

As the issues in the two applications are interrelated, they were consolidated, and heard on April 15, 1965, before an examiner.

A protest to that portion of Application No. 316, seeking extension of service to the Cafritz Hospital along Southern Avenue was made by D. C. Transit System, Inc. (Transit), which also appeared and adduced testimony. The file contains a letter of protest to the proposed cessation of operation over Oneida Way, presently part of the "S" Route.

Basically, WMA operates a main route from downtown Washington south on South Capitol Street to the D. C. - Maryland boundary. Shortly after crossing into Maryland, the main route ("D"), turns east for approximately one-half mile into the area of Glass Manor, then turns south and generally parallels Indian Head Highway (which is the extended portion of South Capitol Street) for a distance of approximately two miles. There it turns around and returns.



Another route ("S"), intersects the main line at D. C. - Maryland line, extending east along Southern Avenue (D.C.), for approximately one and one-half miles, then turning into Maryland to the community of Southview; it extends south along Indian Head Highway; looping in and out of West Forest Heights, for approximately three miles to the intersection of Kirby Hill Road, where it loops to the right, over Oxon Hill Road back to Indian Head Highway.

The applicant proposes to discontinue service over the West Forest Heights loop and the Oxon Hill Road. This shall be discussed in detail later herein.

[4] Applicant proposes to originate a new route, "W", serving the areas of Heather Hill, Rosecroft Gardens, and Livingston Road, south to the Kirby Hill Road intersection, thence over the Indian Head Highway north to and through Glass Manor, thence into the District of Columbia, over existing routes. Present route "D" would be revised to turn east at Riverside Plaza and extend new service into the areas of Dennis Grove and Marlow Heights via St. Barnabas Road.

Route "S" would terminate, on the west, at the intersection of Southern Avenue and South Capitol Street, and would be extended on the east, to the Cafritz Hospital, via Southern Avenue. It is this eastern extension to which protestant, D. C. Transit objects.

As noted, one letter of objection to the Forest Heights abandonment was received, and no objections to the Oxon Hill Road abandonment were raised.

The applicant submitted testimony that a traffic check indicated that in Forest Heights nine passengers used the service westbound on thirteen scheduled trips. An eastbound check showed only two passengers utilized a total of twelve trips. A check on April 5, 1965, indicated only thirteen passengers, in both areas, in the morning rush hours rode six buses. The applicant presented testimony that further reveals that service to these two areas is presently operated only in the rush hours, and applicant advances the claim that more efficient service will be

rendered under its proposals, in that the new "W" line will provide non-rush hour as well as rush hour service and that the service will be through and direct service to the District of Columbia.

Protestant D. C. Transit objects to the eastward extension of "S" line over Southern Avenue to the Cafritz Memorial Hospital. Transit advances the argument that this service is entirely within the District of Columbia and that its Congressional Franchise prohibits this Commission from authorizing any other carrier to provide intra-District of Columbia transportation unless Transit has been afforded the opportunity to serve the area and until the Commission finds such service is inadequate. It further contends that the applicant failed to prove a public need for the extension of its Route "S".

The Commission is of the opinion and finds that the proposed abandonment of service over the West Forest Heights loop and the Oxon Hill Road loop is in the public interest and should be granted. Patronage is so slight that further rendition of service is not warranted.

[5] The Commission is of the opinion that applicant's evidence has proven a need for the new and revised service as proposed to be operated by the new "W" line and the revised "D" line. The Commission finds that such transportation is and will be required by the public convenience and necessity.

There remains for consideration the proposed eastward extension of the "S" line over Southern Avenue to the Cafritz Hospital. Part of the present "S" route now operates over Southern Avenue between South Capitol Street and Oakcrest Drive, under a "closed-door" restriction. Passengers outbound to Oakcrest Drive must board at applicant's last stop in Maryland, located only a matter of feet from the Maryland-District boundary. In the reverse direction, all passengers board in Maryland and may discharge either at 6th and Southern, within the District of Columbia, or at the Maryland stop on South Capitol Street. Under the proposal, there would be no intra-District of Columbia service as passengers boarding at the Hospital could only discharge at the Mary-

land South Capitol Street stop. Thus, Transit's argument — its franchise and/or certificate — is inapplicable for the reason that there will not be any intra-District of Columbia transportation.

Transit further contends that there is no need for the service because the Hospital is not yet operational. We cannot, of course, close our eyes to the immediate future. The Hospital is a tangible thing, well under construction, and scheduled for operation in the immediate future. Section 4(b) of the Compact requires us to consider whether ". . . such transportation is or will be required by the public convenience and necessity . . ." (emphasis added). Therefore, Transit's argument cannot prevail.

Transit further contends that the Commission may not grant the Hospital extension for the reason that Section 4(e) of the Compact prohibits the issuance of additional service over the route of another carrier unless and until the Commission finds the existing service to be inadequate and gives the carrier providing that service reasonable time and opportunity to remedy the inadequacy, and that such inadequacy cannot be found to exist as there is no present service being rendered; and that Transit has, in this proceeding, committed itself to apply for and render service to the Hospital.

Two salient questions must be answered. What service is Transit providing along the proposed route? Can it provide the proposed service?

Transit presently operates service over South Capitol Street to Southern Avenue, thence over Southern Avenue one block to Sixth Street; thence it departs Southern Avenue and goes into Washington Highlands, an area within the District of Columbia. No other service is rendered by [6] Transit on Southern Avenue. However, Transit does have the authority in its Certificate of Public Convenience and Necessity No. 5 to operate regular route service between points in the District of Columbia, so that it could extend its service from Sixth Street over Southern Avenue to the Hospital.

Passengers originating in Maryland would be required to transfer from WMA buses to Transit's service at the junction of South Capitol Street and Southern Avenue. While WMA-Maryland patrons, should the application be granted, would have to transfer also, the fare would be less than if required to interline with Transit.

Transit is not authorized to serve the area of Maryland involved in this proceeding, so that in order to provide a non-transfer trip it would have to seek an amendment to its certificate.

Because of the restrictions requested by applicant and already in applicant's certificate (Section (A) page 1), there would not be any intra-District of Columbia transportation performed. Therefore, the Congressional Franchise and Transit's Certificate of Public Convenience and Necessity do not come into force and effect. As previously noted, Transit's only service on Southern Avenue is for one block. It does not operate over the remainder of Southern Avenue. The proposed service would be neither duplicative nor competitive with Transit's present "route", i.e., the one block service. Any future service instituted by Transit for intra-District of Columbia passengers would satisfy service requirements for District residents. But what of those people located in Maryland desiring transportation?

Obviously, they must rely on service from either WMA or Transit. Will the public convenience and necessity be served by operations whereby Maryland people embark at their Maryland points of origin and travel to Southern Avenue by WMA service, then transfer to Transit, with the attendant extra fare? The ideal service would, naturally, provide direct facilities from origin to destination. This is not contemplated even by the applicant, at least by this application. Yet, applicant does propose a solution, preferable to Transit's proposal, by proffering the transfer service from a junction of several of applicant's main routes to the Hospital. The unfortunate fact exists that Transit, even if it provides service to the Hospital, will be unable to provide ade-



quate transportation for Maryland passengers to the Hospital to serve the public convenience and necessity.

Transit also urges that applicant has failed to meet its burden of proving a need for service to the Hospital, inasmuch as there were no public witnesses to testify as to their need for service to the Hospital. Normally, this is true. There are, however, a few exceptions because of [7] the particularly unusual type of establishments. A hospital falls into this classification. Except for employees, hospitals do not attract steady users of bus service. Patients spend a relatively short time in a hospital. No one anticipates that his friends or relatives will be hospitalized. And if they are or have been, it is most unusual to anticipate a return visit. This usage is very similar to that of the household goods area in property transportation, where it is almost impossible to develop a need based on testimony of personal need. Here, it was developed that the hospital lies on the boundary of a large residential area. That the residents will use the hospital is not open to argument. It is a near impossibility to develop which of those people will use it.

The Commission is, therefore, of the opinion and finds that the public convenience and necessity requires the proposed transportation, as restricted.

The Commission is of the further opinion that the applicant is fit, willing and able to provide such transportation properly and to conform to the provisions of the law and rules and regulations promulgated thereunder.

**THEREFORE, IT IS ORDERED:**

1. That the application of WMA Transit Company for authority to perform the transportation hereinabove described be, and it is hereby, granted.

2. That Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by incorporating Revised Pages 2, 3, 5 and 6, as attached hereto, and made a part hereof.



3. That this Order become effective Friday, July 30, 1965.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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- No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.
- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.
- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.
- No. 7 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Ave-

nue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker Road, Bock Road, Hampstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.

- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- \*No. 9 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Birchwood Drive, Fenwood Avenue, Belmont Drive, Galloway Drive, Birchwood Drive, Livingston Road, Oxon Hill Road, St. Barnabas Road, 28th Avenue, St. Clair Drive to bus stand at rear of Hecht Company and return over same route.

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- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D. C. over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland 4, 57th Avenue, Maryland Route 214 to Beverley Beach and return over the same route.

- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.
- No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.
- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 and 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.
- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive,

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- No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.
- No. 28 From Washington, D. C. over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road, Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.

- No. 29 From junction of Maryland Route 193 and Edmonston Road over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.
- No. 30 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 31 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varnum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.
- \*No. 35 From junction of Southern Avenue and South Capitol Street, over Southern Avenue and Oakcrest Drive to Southview Apartments, thence over Oakcrest Drive and Southern Avenue to Cafritz Memorial Hospital and return over the same route.

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\*AMENDED BY ORDER NO. 508

- \*No. 36 From Washington, D. C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.
- No. 37 From Washington, D. C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- No. 38 From junction of Eastern Avenue and Bladensburg Road over Maryland Route 450, Maryland Route 564, Highview-Bowie Road, Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 39 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 40 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Riverdale Road, Lamont Street, Quentin Street, Lamont Place to Lamont Street and return over the same route.



(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia, serving all intermediate points, as follows:

- (1) Along Pennsylvania Avenue, S.E., east of Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E., to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue, S.E., to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E. to H Street, S.E.

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\*AMENDED BY ORDER NO. 508

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- \*No. 36 From Washington, D. C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.
- No. 37 From Washington, D. C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- No. 38 From junction of Eastern Avenue and Bladensburg Road over Maryland Route 450, Maryland Route 564, Highview-Bowie Road, Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 39 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 40 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Riverdale Road, Lamont Street, Quentin Street, Lamont Place to Lamont Street and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia, serving all intermediate points, as follows:

- (1) Along Pennsylvania Avenue, S.E., east of Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E., to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue, S.E., to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E. to H Street, S.E.

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\*AMENDED BY ORDER NO. 508

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 515

[Exhibit 98, cont'd]

Served August 6, 1965

IN THE MATTER OF:

Application of WMA Transit  
Company for Authority to  
Establish Route "N".

Application No. 329

Docket No. 95

APPEARANCE:

SAMUEL A. SARDINIA, Controller, WMA Transit Company.

WMA Transit Company filed Application No. 329 seeking authority to establish Route "N", a shuttle service between Keyston Gardens Apartments in Prince Georges County, Maryland, and Fairfax Village in Washington, D. C. A public hearing was held on July 28, 1965, pursuant to Order No. 497.

Mr. Samuel A. Sardinia, Controller, WMA Transit Company appeared and gave testimony for the Company after presenting proof of publication of notice of application and hearing thereon in accordance with the rules and regulations of the Commission.

Mr. Sardinia testified that WMA Transit Company was currently operating Route "N" under temporary authority as follows:

WESTBOUND

Leave bus stand at Swimming Pool in Keystone Gardens Apartments, Prince Georges County, Maryland, north on Section 3 Service Road; east on Keystone Lane; south on Section 2 Service Road, east on Section 1 Service Road; north on Walters Lane; northwest on Maryland Route 4 and Pennsylvania Avenue, S. E., Washington, D. C.; southwest on Alabama Avenue, S. E., north on 38th Street, S.E., to bus stand.

\* \* \*

[4] EASTBOUND

Leave bus stand on 38th Street, S.E., Washington, D.C., north on 38th Street, S.E.; southeast on Pennsylvania Avenue, S.E. and Maryland Route 4; south on Walters Lane; west on Section 1 Service Road; north on Section 2 Service Road; west on Keystone Lane; south on Section 3 Service Road to bus stand at Keystone Gardens Swimming Pool, Prince Georges County, Maryland.

Mr. Sardinia further testified that the service requires one vehicle to operate every half-hour during the morning and evening peak periods on weekdays. The fare structure is identical with that presently in effect in the area.

No other carriers are affected by this application, and no one appeared in protest.

The Commission is of the opinion, and finds, that public convenience and necessity require the establishment of this route.

## THEREFORE, IT IS ORDERED:

1. That WMA Transit Company be, and it is hereby, granted authority to establish Route "N" as described herein, effective September 6, 1965.

2. That WMA Transit Company Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by incorporating Fourth Revised Page 6, Cancelling Third Revised Page 6, as attached hereto and made a part hereof.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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No. 36 From Washington, D. C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Ter-



race, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.

- No. 37 From Washington, D. C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrook Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- No. 38 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Maryland Route 564, Highview-Bowie Road, Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 39 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 40 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Riverdale Road, Lamont Street, Quentin Street, Lamont Place to Lamont Street and return over the same route.
- \*No. 41 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Walters Lane

Section 1 Service Road, Section 2 Service Road, Keystone Lane, and Section 3 Service Road to Swimming Pool at Keystone Gardens Apartments and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia, serving all intermediate points, as follows:

- (1) Along Pennsylvania Avenue, S.E., east of Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E. to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E., to H Street, S.E.

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\*AMENDED BY ORDER NO. 515

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race, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.

- No. 37 From Washington, D. C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrook Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- No. 38 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Maryland Route 564, Highview-Bowie Road, Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 39 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 40 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Riverdale Road, Lamont Street, Quentin Street, Lamont Place to Lamont Street and return over the same route.
- \*No. 41 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Walters Lane

Section 1 Service Road, Section 2 Service Road, Keystone Lane, and Section 3 Service Road to Swimming Pool at Keystone Gardens Apartments and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia, serving all intermediate points, as follows:

- (1) Along Pennsylvania Avenue, S.E., east of Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E. to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E., to H Street, S.E.

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\*AMENDED BY ORDER NO. 515

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 516

[Exhibit 98, cont'd]

Served August 6, 1965

IN THE MATTER OF:

Applications of WMA Transit  
Company to Add, Change, and/or  
Extend Routes "Q", "A", "F" and  
"T", in Prince Georges County,  
Maryland, and Washington, D. C.

Applications Nos. 311, 312, 313,  
326, 327, 328, 337

Docket No. 81

APPEARANCE:

STANLEY H. KAMEROW, Attorney for WMA Transit Company.

WMA Transit Company filed applications to change, add, and/or  
extend the following routes:

Application No. 311 - Add Route "Q" between Carrollton and Belt-  
way Plaza as follows:

From the intersection of Quentin Street and Lamont  
Drive, over Quentin Street, Lamont Street, Lamont  
Drive, Riverdale Road, Maryland Route 450, Mary-  
land Route 564, Telegraph Road, Cipriano Road, Glenn  
Dale Road, Greenbelt Road, Beltway Plaza service  
road to bus stand at Klein's Department Store, and re-  
turn over the same route.

Application No. 312 - Extend Route "F" to Glenn Dale Sanitarium  
as follows:

From the intersection of Volta Street and Varnum  
Street, over Varnum Street, Whitfield-Chapel Road,  
Maryland Route 704, Maryland Route 450, and  
Glenn Dale Road to Glenn Dale Sanitarium and re-  
turn over the same route.



[2] Application No. 313 - Extend Route "A" to Capital Plaza as follows:

From Prince Georges Hospital over Hospital Drive, Baltimore-Washington Parkway, Maryland Route 450 and Capital Plaza Service Road to bus stand at Montgomery Ward and return over the same route.

Application No. 326 - Extend Route "T" to Maryland Route 3 as follows:

From Belair Shopping Center over Maryland Route 450 to Maryland Route 3 and return over the same route.

Application No. 327 - Change Route "T" as follows:

In Belair, from the intersection of Belair Drive and Starlight Lane, over Starlight Lane and Stonehaven Lane to Stafford Lane. In Carrollton, from the intersection of Lamont Drive and Powhatan Street, over Powhatan Street, 85th Place, Carrollton Parkway and Lamont Drive to Powhatan Street.

Application No. 328 - Extend Route "T" to Glenn Dale Sanitarium as follows:

From the intersection of Maryland Route 450 and Glenn Dale Road, over Glenn Dale Road and Service Roadway to Glenn Dale Sanitarium and return over the same route.

Application No. 337 - Add to Route "T" as follows:

From the intersection of New York Avenue and Bladensburg Road, N.E., over New York Avenue and Baltimore-Washington Parkway to the intersection of Maryland Route 450 and Baltimore-Washington Parkway and return over the same route; restricted, however, to no boarding or alighting along any portion of such route herein described.

[3] By Orders 493 and 498, a public hearing was ordered. Notice of the applications and hearing thereon was in compliance with the rules and regulations of the Commission.

A public hearing on the applications was held on July 27, 1965. There were no protests to these applications, and no one appeared in opposition. Mr. Samuel A. Sardinia, Controller, WMA Transit Company, testified for the Company.

Mr. Sardinia testified concerning the reasons for the various applications, and 22 exhibits were entered into the record in support thereof. He further testified that since the original filing of Application No. 311 for authority to establish Route "Q", WMA Transit Company had contemplated two changes. He offered Exhibits 1A, 1B, and 1C to show the proposed deletion of Cipriano Road and certain route changes in Carrollton, Maryland, as requested by officials of that community and reflected in route changes requested in Application No. 327. Exhibit 1A describes the operation of Route "Q" as follows:

From the intersection of Lamont Drive and Powhatan Street, over Powhatan Street, 85th Place, Carrollton Parkway, Lamont Drive, Riverdale Road, Maryland Route 450, Maryland Route 564, Telegraph Road, Glenn Dale Road, Greenbelt Road, and Beltway Plaza Service Road to bus stand at Klein's Department Store, and return over the same route.

Mr. Sardinia testified that the routes proposed in Applications 326, 327, 328, and 337, were currently being operated under temporary authority, and that the Company desired to institute the routes described in Applications 311, 312 and 313, in September to coincide with the opening of the fall school term.

The Commission is of the opinion and finds that public convenience and necessity require the proposed changes, additions, and extensions.

**THEREFORE, IT IS ORDERED:**

1. That authority be, and it is hereby, granted WMA Transit Com-

pany, effective September 6, 1965, to add, change, and/or extend Routes "Q", "A", "F", and "T" as described herein.

[4] 2. That WMA Transit Company Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by the revision of all pages and the addition of pages as attached hereto and made a part hereof.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

[Exhibit 98, cont'd] NO. 8

W M A TRANSIT COMPANY  
BRADBURY HEIGHTS, MARYLAND

At a session of the Washington Metropolitan Area Transit Commission held on the 12th day of August, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder, and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that this certificate does not authorize any intrastate transportation in Virginia:

REGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passengers.

- (A) Between Washington, D.C., and points in Maryland; and between points in Maryland, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in the District of Columbia, and further restricted against the transportation of passengers traveling in Prince Georges County between the intersection of Maryland Route 450 and Landover Road and the intersection of Maryland Route 450 and 38th Street, inclusive of said intersections, and further restricted to a "closed door" operation on Kenilworth Avenue between its intersection on the north with Riverdale Road and on the south with Edmonston Road.

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- [2]  
No. 1 From Washington, D.C., over city streets to Southern Avenue, thence over Business Maryland Route 4, 57th Avenue, Maryland Routes 214, 389, 704, Greenleaf Road, 82nd Avenue, Barlow Road, Maryland Route 202, Prince Georges Avenue, Hawthorne Street, 73rd Avenue, Forest Road, 74th Avenue to Kent Village, and return over the same route.
- No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder

Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.

- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D. C., over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.
- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.
- No. 7 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker Road, Bock Road, Hempstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.
- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- No. 9 From Washington, D. C., over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal



Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Birchwood Drive, Fenwood Avenue, Belmont Drive, Galloway Drive, ~~Birchwood~~ <sup>Birchwood</sup> Drive, Livingston Road, Oxon Hill Road, St. Barnabas Road, 28th Avenue, St. Clair Drive to bus stand at rear of Hect Company and return over the same route.

- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D. C., over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D.C., over city-streets to Southern Avenue, thence over Business Maryland 4, 57th Avenue, Maryland Route 214 to Beverley Beach and return over the same route.
- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.

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- [4]  
No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.
- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 and 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.

- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, Maryland Route 414, Temple Hills Road, Fisher Road, David Drive, Janice Lane, Norris Drive to Temple Hills and return over the same route.
- No. 20 From Washington, D. C., over city streets to Southern Avenue, thence over Maryland Route 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, Marlow Heights Shopping Center Service Road, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, Maryland Route 414, Temple Hills Road, Fisher Road David Drive, Janice Lane, Norris Drive to Temple Hills, and return over the same route.
- No. 21 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 210, Livingston Road, Old Fort Road, Jefferson Street, Madison Place, Monroe Street, Livingston Road, Maryland Routes 210, 227, Bryan's Station Road, Maryland Routes 225, 210 to Indian Head and return over the same route.

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- [5]  
No. 22 From junction of Maryland Routes 210 and 227, over Maryland Route 227 to Marshall Hall and return over the same route.
- No. 23 From Washington, D.C., over city streets to Southern Avenue, thence over Business Maryland Route 4, Gateway Boulevard, 72nd Avenue, Business Maryland Route

- 4, Maryland Routes 534, 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 24 From junction of Maryland Route 534 and Business Maryland Route 4, over Maryland Route 534 to Maryland Route 221 and return over the same route.
- No. 25 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 4, Maryland Avenue, Park-Berkshire Drive, Maryland Avenue, Maryland Route 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 26 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Routes 218, 337, Auth Road, Carswell Avenue, Maxwell Avenue, Maryland Route 337 to Andrews Air Force Base and return over the same route.
- No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.
- No. 28 From Washington, D.C., over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road, Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.
- No. 29 From junction of Maryland Route 193 and Edmonston Road over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.

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- [6]  
 No. 30 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.

- No. 31 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varnum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.
- No. 35 From junction of Southern Avenue and South Capitol Street, over Southern Avenue and Oakcrest Drive to Southview Apartments, thence over Oakcrest Drive and Southern Avenue to Cafritz Memorial Hospital and return over the same route.
- No. 36 From Washington, D.C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and

service road to bus stand at Heather Hill Apartments and return over the same route.

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- [7]  
No. 37 From Washington, D.C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- \*No. 38 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Belair Shopping Center Roadway, Superior Lane, Stonybrook Drive, Buckingham Drive, Belair Drive, Kembridge Drive, Kenhill Drive, Belair Drive, Starlight Lane, Stonehaven Lane, Stonybrook Drive to Superior Lane and return over the same route.
- \*No. 39 From junction of Maryland Route 450 and Maryland Route 564, over Maryland Route 564 and Highbridge-Bowie Road to Maryland Route 450 and return over the same route.
- \*No. 40 From junction of Maryland Route 450 and Riverdale Road, over Riverdale Road, Lamont Drive, Powhatan Street, 85th Place, Carrollton Parkway, Lamont Drive to Riverdale Road and return over the same route.
- \*No. 41 From junction of Maryland Route 450 and Stonybrook Drive, over Maryland Route 450 to Maryland Route 3, and return over the same route.
- \*No. 42 From junction of Glenn Dale Road and Maryland Route 450, over Glenn Dale Road and Service Roadway to Glenn Dale Sanitarium and return over the same route.
- \*No. 43 From junction New York Avenue and Bladensburg Road, N.E., over New York Avenue and Baltimore-Washington



ditional buses would be required? A. I am going to answer the question again, no, I have not. I said it many times.

Q. Have you made any computation as to the number of additional employees that may be required? A. I have not.

Q. Have you made any computation as to the additional number of operating hours that would be required? A. The answer is no.

Q. You also indicated for this record that if the Commission were to find that public convenience and necessity required operations over this route, then A. B. & W. should undertake to examine these cards and develop its own schedules? Is that your *modus operandi* here? A. I say the cards are available, and I'm sure my engineers will work with the representatives of A. B. & W. and work out the best — as a result of the analysis, the best service that should be provided.

\* \* \*

[85] Q. One last area of inquiry: Was it your belief that these passengers would be transported at the same fare? A. Yes.

Q. I think in fairness, Mr. Overhouse, to you: Do you think that the extension of this line would generate any traffic? A. I don't know what you mean by in fairness to me.

Q. Well, you haven't touched upon this. You talk about improved service to the public, in effect. Do you think that this would attract any traffic that is not presently running on A. B. & W.? A. Well, in fairness to me, I testified to that, that I thought it would attract passengers, yes.

Q. Well, how many? A. I didn't say how many. I said I thought it would attract passengers.

Q. Well, your whole exhibit is based upon present riders of A. B. & W. A. That's right.

Q. All of the passengers that you are talking about are presently users of A. B. & W.? [86] A. That's right.

Q. They are not persons who would be attracted to A. B. & W. if

this application — I mean if this Commission were to order the extension? A. No; they would have better service in my viewpoint.

Q. Yes. Now I am asking you: Did you conceive that this route could attract traffic? A. I said in my direct testimony I indicated that I thought it would attract more traffic, and you said how much, and I said I don't know.

Q. Did that factor enter into your recommendation to your Commission? A. No.

Q. It didn't? A. As far as I am concerned, the 1100 passengers involved warrant the extension of service. And that — I base my entire recommendation on that fact.

Q. Ten percent of the present users of A. B. & W. who live — I mean who work beyond three blocks of its present routes? A. If it is ten percent, yes. That's my recommendation for these 1100. Now you're bringing in the ten percent. These 1100 passengers is what I say warrants the extension of service.

\* \* \*

[87]

WILLIAM D. HEATH \* \* \*

#### DIRECT EXAMINATION BY MR. CUNNINGHAM

[88] Q. Would you state your name and address? A. William D. Heath, 499 Pennsylvania Avenue, Northwest.

Q. Where are you employed, Mr. Heath? A. I am Executive Director of the Motor Vehicle Parking Agency of the District of Columbia.

Q. What are your duties with this agency? A. Well, as I stated, I am the Executive Director of this agency, and the agency is involved in making statistical studies, particularly with relation to the parking of motor vehicles. Also, the establishment and operation of fringe parking facilities that we operate in cooperation with various bus companies in the area.

Q. Mr. Heath, by virtue of the duties and functions of your position, are you familiar with the downtown Washington, D.C. employee population, and its location? A. Yes. Part of the staff functions of this agency have been to make employee population surveys and to keep the same up to date.

Q. Do you know the number of employees located in the vicinity of 18th and L Streets, Northwest? A. Well, I brought a map with me that will show graphically this data.

MR. CUNNINGHAM: Mr. Examiner, at this point may I have this chart marked for identification as Exhibit No. 7?

- (D) Between the Downtown Terminal and South Capitol Street at Firth Sterling Avenue on Mondays thru Firdays, holidays excepted, during the periods of day when passenger service on South Capitol Street at the parking lot is not provided by D. C. Transit System, Inc.

NOTE: The repetition of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

IRREGULAR ROUTES:

Passengers and their baggage:

(A) CHARTER OPERATIONS:

Round-trip or one-way;

- (1) From points in the District of Columbia to points in the Metropolitan District.
- (2) From points in that portion of Prince George's County, Maryland, lying east of U. S. Highway 1 to points in the Metropolitan District.

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[10](B) SPECIAL OPERATIONS:

Round-trip or one-way;

Between points on its regular routes, authorized herein on the one hand, and points within the District of Columbia and Prince George's County, Maryland, on the other.

AND IT IS FURTHER ORDERED and is made a condition of this Certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in <sup>performance</sup> ~~pursuant~~ of the authority, granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this Certificate.

The operating authority granted by this Certificate is granted pursuant to Order No. 367 and also embraces and supersedes the operating rights previously set forth in Order No. 325.

BY DIRECTION OF THE COMMISSION

/s/ Delmer Ison  
Executive Director

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ADDED BY ORDER NO. 516

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 465

Served April 8, 1965

IN THE MATTER OF:

Application of Atwood Transport  
Lines, Inc., for a Certificate of  
Public Convenience and Necessity.

Application No. 291

Docket No. 68

Application of WMA Transit  
Company, for a Certificate  
of Public Convenience and  
Necessity.

Application No. 293

Docket No. 69

APPEARANCES IN DOCKET NO. 68:

EDWARD G. VILLALON, Attorney for Atwood Transport Lines,  
Inc.

L. C. MAJOR, Attorney for Greyhound Lines, Inc.

STANLEY H. KAMEROW, Attorney for W M A Transit Company.

Q. Now, you have testified that since 1955 there has [92] been better than a 70 percent increase in the number of employees working in the zoned area you described.

Has there been any additional terminal facilities opened and operated by the two companies respondent to this proceeding? A. Not to my knowledge.

MR. CUNNINGHAM: That's all I have, Mr. Examiner.

MR. ISON: Thank you.

MR. KAHN: I have a few questions.

#### CROSS EXAMINATION

BY MR. KAHN:

Q. Mr. Heath, has your agency developed the number of parking facilities — and I don't mean — when I use the word "facility," I don't mean the number of lots or buildings, but the number of spaces for the normal car in this area? A. Yes, we have that information.

Q. Do you have it here? A. I did not bring that, no, sir.

Q. Well, I'm sure you have some general knowledge of it. A. Well, it just so —

\* \* \*

[93] BY MR. KAHN:

Q. Mr. Heath, does any of your figures indicate the residences of any of these people that you say are populated in this area? A. No, these are day-time employee population.

Q. And we don't know, just for the purposes of counsel of this Commission, whether any of these people live on the routes of A. B. & W., do we? A. We don't know that for a fact.

Q. That's right.

MR. KAHN: Well, then, I mean if counsel is objecting to the relevancy of the questions, then Mr. Heath hasn't told us anything about any of the transportation requirements of people living in Virginia coming into the District of Columbia. I think his testimony is interesting, and I think this record ought to indicate again the development of parking facilities in this particular area, if the Commission is interested in the facts.

\* \* \*



[96]

DANIEL J. HANSON

\* \* \*

## DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Sir, would you state your name? A. Daniel J. Hanson.

Q. And your occupation? A. Deputy Director of Traffic Engineering and Operations for the D.C. Department of Highways and Traffic.

Q. And Mr. Hanson, how long have you been in this position? A. Since March 22, 1965.

Q. And what do your duties consist of there? A. The Bureau of Traffic Engineer of Operations is directly responsible for recommending such traffic control improvements as one-way streets, special bus lanes, parking restrictions, the installation of appropriate traffic control devices, signs, signals and markings — pavement markings, the supervision and maintenance of street lighting programs, and generally other activities related to traffic engineering within the District of Columbia.

Q. Mr. Hanson, where were you employed prior to your being presently employed in the District? [97] A. Prior to coming to the District of Columbia in March, I held the position of Traffic Commissioner for St. Louis County, Missouri, for a seven-year period of time.

Q. What were your duties there? A. In that position, as an employee of a county agency, we were directly responsible for the installation, repair, maintenance of all traffic control devices and the making of numerous recommendations relating to traffic control improvements, including bus operations, one-way streets, parking restrictions, signal timing, et cetera.

Q. Mr. Hanson, have you in your department reviewed the report of the Engineering Department prepared under the supervision of Mr. Overhouse and marked for identification in this proceeding as Exhibit No. 1? A. Yes, our Bureau has reviewed this report and I personally have read the report and discussed it with representatives of my staff as well as the staff of WMATC.

northeast on Belair Drive; southeast on Stafford Lane; northeast on Stonehaven Lane; north on Superior Lane; west and south on Sage Lane; northwest on Stonybrook Drive; north, northwest and west on Millstream Drive; southeast on Moylan Drive; southwest on Maryland Route 450; north on Highview-Bowie Road; southwest on Maryland Route 564; southwest and west on Maryland Route 450; southwest on Bladensburg Road; west and southwest on New York Avenue; south on 11th Street; N.W., to bus stand south of E Street, N.W.

EASTBOUND: Leave bus stand south of E Street, N.W., south on 11th Street, N.W., northwest on Pennsylvania Avenue, N.W.; north on 12th Street, N.W.; northeast on New York Avenue; east on K Street, N.W.; north on 7th Street, N.W.; northeast and east on New York Avenue; northeast on Bladensburg Road; east and northeast on Maryland Route 450; northeast on Maryland Route 564; south on Highview-Bowie Road; northeast on Maryland Route 450; northwest on Moyland Drive; east, southeast and south on Millstream Drive; southeast on Stonybrook Drive; north on Sage Lane to Belair Shopping Center.

(2) Belair-Washington Line via Defense Highway:

WESTBOUND: Leave Belair Shopping Center south on Superior Lane; southeast and south on Stonybrook Drive; southeast on Buckingham Drive; east on Belair Drive; southwest and west on Kembridge Drive; ~~northeast on Kenhill Drive; northwest, north and~~ northeast on Kenhill Drive; northwest, north and northeast on Belair Drive; southeast on Stonehaven Lane; north on Superior Lane; west and south on Sage Lane; northwest on Stonybrook [4] Drive; north northwest and west on Millstream Drive; southeast on Moylan Drive; southwest and west on Maryland Route 450; southwest on Bladensburg Road; west and southwest on New York Avenue; south on 11th Street, N.W., to bus stand south of E Street, N. W.

EASTBOUND: Leave bus stand south of E Street, N.W.; south on 11th Street, N.W.; northwest on Pennsylvania Avenue, N.W.; north on 12th Street, N.W.; northeast on New York Avenue; east on K Street, N.W.; north on 7th Street, N.W.; northeast and east on New York Avenue; northeast on Bladensburg Road; east and northeast on Maryland Route 450; northwest on Moylan Drive; east, southeast and south on Millstream Drive; southeast on Stonybrook Drive; north on Sage Lane to Belair Shopping Center.

(3) Carrollton-Washington Line:

WESTBOUND: Leave bus stand on Lamont Place south of Lamont Street; southeast and south on Lamont Street; southeast on Riverdale Road; southwest and west on Maryland Route 450; southwest on Bladensburg Road; west and southwest on New York Avenue; south on 11th Street, N.W., to bus stand south of E Street, N.W.

EASTBOUND: Leave bus stand south of E Street, N.W., south on 11th Street, N.W.; northwest on Pennsylvania Avenue, N.W.; north on 12th Street, N.W.; northeast on New York Avenue; east on K Street, N.W.; north on 7th Street, N.W.; northeast and east on New York Avenue; northeast on Bladensburg Road; east and northeast on Maryland Route 450; northwest on Riverdale Road; north and northwest on Lamont Street; west on Quentin Street; north on Lamont Place to bus stand south of Lamont Street.

With one major exception, the authority sought by the two applicants is very similar. The area proposed to be served involves operations generally between Washington, D.C., and Bowie, Maryland, over New York Avenue in the District of Columbia, Bladensburg, Road, Route 450 and/or 564, and an unnumbered highway to Bowie, Maryland, and return, serving intermediate points in Maryland along such routes. The W M A proposal differs from the Atwood proposal in that W M A would provide service within the Cities of Bowie and Carrollton, Maryland. Atwood proposes to operate along the routes indicated above

B. & W. move in two parts: One by bus and one by walking as a pedestrian. Is it your belief from what you have said to us today that a large number of people who are presently riding A. B. & W. are walking several blocks from the terminal, or from the routes of the company? A.

*A. goodly number?*  
A goodly — if you will —

A. A goodly number of people walk several blocks from the existing terminal, in our opinion.

\* \* \*

[102]

EDWIN L. KESLER

\* \* \*

#### DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Would you state your name? A. Edwin L. Kesler.

Q. Where do you live, Mr. Kesler? A. I live in the community of North Springfield, Virginia.

Q. Is that in which county? A. It is in Fairfax County.

Q. Mr. Kesler, does any member of your family presently work in the vicinity of 18th and L Streets? A. No one at the present time does. My wife did work there previously.

Q. Fine. What location was she in? [103] A. She worked in a building on the corner of 18th and M Street. It is a leased building, leased — part of the building is leased by the Department of Commerce.

Q. When your wife was working at this location how did she go to work daily? A. We — it was necessary for her to take the A. B. & W. bus from the Annandale area — well, we rode from North Springfield to Annandale, transferred in Annandale to the Route 16 bus which comes in Columbia Pike along Constitution Avenue, and then it was necessary for her to get off at 18th Street and walk from 18th and Constitution up to 18th and M, because the transfer time to ride all the way to the terminal and transfer to a D.C. Transit bus — it was impossible for her

to get to work by 8 o'clock taking the earliest bus from Annandale. In foul weather it was — because of this long walk I would drive and drop her off and then I would locate a parking space for myself.

Q. In other words, you were one of these people Mr. Hanson was talking about who would drive an unneeded car into this area just solely to drop off an employee working there? A. Right. And also when he was talking I remembered that on these foul-weather days, I would also pick my wife up, but because I wasn't exactly sure what time she would be coming out of the building I would be circling the block many [104] times, and on K Street I would circle around and round, and I would sometimes have to make a pass four or five times. So I mean I represented in a sense five cars during the rush hour.

\* \* \*

[104]

#### CROSS EXAMINATION

BY MR. KAHN:

Q. Mr. Kesler, where does your wife work now? A. We have a baby and she is home right at the moment.

Q. Oh, I see.

\* \* \*

[109]

#### CHARLES W. OVERHOUSE

\* \* \*

#### CROSS-EXAMINATION

BY MR. SPEAR:

Q. In your direct testimony, and on cross-examination, you stated that the postcard questionnaires were intended to [110] collect information of the morning inbound passengers only, and not of outbound passengers. Is that correct, Mr. Overhouse? A. That is correct.

Q. Then none of your evidence supplies any information at all about the afternoon traffic outbound to the suburbs? A. It does not.

Q. Does your testimony, or any of your exhibits, furnish informa-



consequently deprive the people in the Carrollton-Bowie area of cross-county service into other areas served by D. C. Transit.

The Transit Union, which represents the employees of Greyhound, protested the applications of Atwood and W M A on the basis that several bus operators would lose their jobs and that the equipment of Greyhound was in much better condition than the equipment of Atwood.

The Atwood application will be discussed first.

In support of its application, Atwood offered testimony of its General Manager, John C. Twiford, and of its Treasurer, Robert W. Manders. In support of the Atwood application, Greyhound offered the testimony of its Assistant Regional Manager, Virgil T. McKibben, and of its Vice President and Comptroller, J. M. Clarke.

Protestant W M A offered the testimony of its Comptroller, Samuel A. Sardinia. Protestant D. C. Transit offered the testimony of its Assistant Vice President of Research and Development, William E. Bell. Protestant Transit Union offered the testimony of a member of its Executive Board, Harlan K. Rohde.

Atwood was incorporated in 1947, and prior to that and since 1914, Chester Atwood, President and chief stockholder of Atwood, operated the business as a sole proprietorship. Atwood presently operates one regular route, scheduled bus service between Patuxent Naval Air Station, Lexington Park, Maryland, and the District of Columbia. Five round-trips are operated over this route daily, requiring the use of three buses. Atwood is primarily engaged in charter bus operations in the Washington Area. Atwood has a total fleet of twenty-eight buses of which thirteen are fifteen years of age or older, and fifteen were acquired in 1959 or later; employs five mechanics and seventeen drivers on a semi-regular basis.

[7] Three of these drivers are employed on a full-time basis to conduct the Patuxent Naval Base operation. The other fourteen drivers do not receive pay when not employed. Of the fourteen drivers, the top men on the "board" work three or four days a week and the others work

two or three days a week. A few other drivers, such as taxicab drivers, fuel-truck drivers and ex-bus drivers, are on call in case of necessity. The drivers do not belong to a union.

Atwood rents its garage facilities. Atwood's proposed operations are generally identical to the present operations of Eastern Greyhound Lines, hereinafter sometimes referred to as Greyhound. Under the contractual arrangements between Greyhound and Atwood, Atwood proposes to take over Greyhound's operations between Priest Bridge, Maryland, and Washington, D. C. Atwood proposes to operate over the same routes, on the same schedules, with the same number of buses and charge the same fares as Greyhound. The agreement provides that Atwood shall purchase ten (10) buses for a total cost of \$69,000.00. These 39-seat, air-conditioned buses were last operated by Greyhound during the Christmas holiday season of 1964. The agreement further provides that Atwood will use Greyhound's terminal at 11th Street and New York Avenue, N.W., Washington, D.C.; that Atwood will pay Greyhound 10% commission on all ticket sales for use of Greyhound's terminal facilities. The agreement also provides that Greyhound will apply to the appropriate authorities for authority to abandon its local operations between Priest Bridge, Maryland, and Washington, D. C., if Atwood's application is approved.

Greyhound is operating its present service pursuant to authority issued by the Interstate Commerce Commission, insofar as its interstate operations are concerned, and pursuant to authority issued by the Maryland Public Service Commission, insofar as its intrastate operations are concerned. Greyhound does not have authority to engage in intra-District of Columbia service. While the proposed operations of Atwood would be subject to the jurisdiction of the Washington Metropolitan Area Transit Commission, hereinafter referred to as Commission, the present operations of Greyhound are exempt from the Commission's jurisdiction under Section 1(a)(4), Article XII, of the Compact. It is Greyhound's position that eventhough it is exempt from the juris-

diction of the Commission, it is entitled to the same protection under Section 4(g), Article XII, of the Compact, as is accorded holders of certificates from the Commission. Counsel for Greyhound, in a prepared statement adopted by Greyhound's primary operating witness, explained Greyhound's position on this and other points, as follows:

"Greyhound has entered into certain agreements with Atwood Transport Lines, the applicant in this proceeding, whereby it has consented in effect to have transferred to that carrier both its inter and intrastate operating rights between Washington, D.C., and Priest Bridge, Maryland, under the contractual arrangements if Atwood is successful in this application proceeding.

[8] "Greyhound will request revocation of its existing duplicating rights. The agreements the parties have entered into further provide that Atwood will purchase 10 buses from Greyhound for a total consideration of \$69,000, which figure is considered to be the fair market value of that equipment, and in addition the agreements that Atwood will become a tenant in the Greyhound terminal in Washington, D.C., in connection with all its regular route operations, including not only those proposed by this application but also its current regular route operations which are being conducted between Washington, D.C., and Patuxent River.

"Under that agreement Atwood will pay the Greyhound the standard 10% commission on all ticket sales made in its terminal facilities.

"For several years Greyhound has found it extremely difficult if not impossible primarily because of its rather high and constantly increasing operating costs to conduct profitable operations in the area and over the routes involved. As a matter of fact, Greyhound does not believe that it can continue its commuter type operations in the area involved without seeking an increase in its existing fares. This Greyhound hopes it can avoid by the action with respect to this application.

"For all of these reasons Greyhound appears in support of Atwood's application, but it desires to make it abundantly clear to this Commission and all parties participating that it does not desire nor intend to discontinue or abandon its present service within the area involved unless the application of Atwood is granted.

"Unquestionably there is only sufficient traffic moving over these routes within this area for one carrier and I think that this fact is recognized and conceded by all parties. It is Greyhound's position that although it holds no separate certificated rights from this Commission, its existing regular route operation to the extent that they traverse routes within the Washington Metropolitan area are entitled to the same safeguards and protection provided by this Commission to other certificated regular route carriers in the area, and unless the Atwood application is granted, no carrier should be certificated to provide service over Greyhound's existing routes without Greyhound first having been given notice of and a reasonable opportunity to correct any deficiencies which this Commission may find from evidence that exists with respect to its current service."

[9] Counsel for protestants, W M A and D. C. Transit, moved that in view of the above statement of Counsel for Greyhound, the application be dismissed on the grounds that the Atwood proceeding is, in effect, a sale and transfer of operating rights from Greyhound to Atwood and that the proper procedure should have been an application for sale and transfer rather than a public convenience and necessity application. Atwood responded with the argument that public convenience and necessity can be shown to exist without offering testimony of public witnesses. The parties of record briefed this point for the Commission. It is Atwood's position that the mere existence of Greyhound's operations is an adequate showing of public convenience and necessity. The Commission concurs in the ruling of the Examiner that as the applicant



has elected to pursue the public convenience and necessity procedure, such choice must be respected. In pursuing this procedure, Atwood continues to have the burden of proving the essential ingredients of public convenience and necessity.

In prosecuting its application, Atwood relied entirely on the existence of Greyhound's present operations as proof of public convenience and necessity. No testimony of any public witness was offered. At the present time, Greyhound operates twelve round trips daily between Bowie and Washington, D.C., and approximately ten additional trips during the rush hours between Washington, D.C., on the one hand, and Sunny Brook, Landover Hills and Lanham, Maryland, on the other. Twelve buses are required for this operation and entails the use of thirteen drivers. Witness Clarke, testifying for Greyhound, stated that Greyhound lost \$23,607.00 during 1964 in operating this service, and that this loss was the primary reason for Greyhound's decision to undertake abandonment of this operation. Greyhound has been transporting approximately 10,795 revenue passengers per week, or about 2,000 per week day. The fares charged by Greyhound are as follows:

	<u>CASH FARE</u>	<u>COMMUTER TICKET</u>
Zone 1	45 cents	10 tickets for \$3.60
Zone 2	65 cents	10 tickets for \$4.80
Zone 3	80 cents	10 tickets for \$6.00
Zone 4	95 cents	10 tickets for \$7.20

Atwood proposed to operate intercity type buses, including some or all of the ten buses to be acquired from Greyhound. Persons desiring transportation on buses operated by Atwood must purchase tickets at the Greyhound terminal or from ticket agents along the route. If a person boards a bus at a location where a ticket agent is available, without a ticket, he must get off the bus and secure a ticket. If he boards a bus where no ticket agent is available, the driver accepts a



cash fare and [10] rips out a cash receipt. The buses have no fare boxes. All commuter tickets must be secured from a ticket agent; the driver is not authorized to sell such tickets. Atwood does not propose to have any designated bus stops, but plans to use the same locations presently used by Greyhound. Atwood employs no street supervisors and does not contemplate hiring any if the application is approved.

Witness Manders, testifying for Atwood, estimated that if Atwood transports the same number of passengers transported by Greyhound -- 2,000 per day -- Atwood should be able to operate the proposed service at a substantial profit. He stated that the gross revenues would approximate \$210,000.00 and that his net revenues, before income taxes, would be \$79,722.00. His testimony was based on the assumption that Atwood would operate the same number of miles, transport the same number of passengers and charge the same fares as Greyhound.

Section 4(a), Article XII of the Compact, requires an applicant for a certificate of public convenience and necessity to prove financial fitness as one of the prerequisites to the granting of such a certificate. The protestants moved for dismissal of the Atwood application on the grounds that a plan of financing was not submitted with the application as required by the Commission's rules and regulations. Briefs on this issue were filed. The Commission agrees with the examiner that the issue of financial fitness is a matter of proof, to be resolved by the Commission after a review of all the evidence, and that the Commission's regulation in this regard is directive only.

The protestants questioned the financial condition of Atwood at great length. According to the data appearing in Atwood's balance sheet as of September 30, 1964, the current liabilities were more than double the current assets.

The current financial condition is further aggravated by the obligation proposed to be assumed under the contract with Greyhound. In agreeing to purchase the ten buses for a total cost of \$69,000.00, At-

wood agreed to a down payment of \$17,500.00 and to pay the remaining \$51,500.00 within the next thirty months, in equal monthly installments, at 6% interest. Thus, within the first twelve months following approval of the Atwood application, Atwood would have to raise approximately \$38,000.00 in cash. This current obligation would substantially increase the present current liabilities over current assets. While Atwood's income statement for the nine-month period ended September 30, 1964, showed a profit of approximately \$6,000.00, no weight was accorded the final and less profitable quarter of the calendar year. Atwood operated at a loss for the calendar year 1963. Atwood also introduced a statement of projected earnings for the Washington-Priest Bridge operation, if granted. Using an incremental cost basis, the statement showed a substantial profit, as previously noted.

[11] In making these projections, the witness allowed depreciation cost on the basis of an eight-year remaining service life on the ten buses to be acquired from Greyhound, yet the testimony shows that Atwood proposes to operate the buses for approximately two years. The witness also projected Equipment Maintenance and Garage Expense at 6.01 cents per mile when Greyhound, for the same operation, was reporting 8.44 cents per mile. The revenues were projected at 73.41 cents per mile against Greyhound's 51.06 cents per mile for the same operations and the same estimated number of revenue passengers. The Greyhound revenue-per-mile figure did not include a 10% fare increase, which would have brought the figure up to 56.7 cents per mile.

The bases for the protests to the Atwood application of the various protestants have been previously set out in this order.

Mr. Sardinia in testifying for protestant W M A, compared the proposed service, including routes, fares, and schedules of Atwood with the proposals of W M A and concluded that under W M A's proposal the public would be provided substantially better bus service. He stated that W M A would be able to coordinate the proposed service with its

existing service so as to provide a cross-county service for the public in the Bowie-Carrollton area.

Mr. William E. Bell testified on behalf of protestant D. C. Transit. Mr. Bell contended that the approval of the Atwood application would deprive D. C. Transit of the opportunity to provide the public in the Bowie-Carrollton area, and along Route 450, a needed cross-county service westward over the existing routes of D. C. Transit. Mr. Bell admitted that, if Atwood operated with the same restrictions as Greyhound is presently operating, Atwood's operation would not create any additional competitive service. Mr. Bell contended that D. C. Transit operates equipment superior to Atwood's and is in a better financial condition.

The Transit Union offered testimony in opposition to the Atwood case. The thrust of the opposition was directed to the age and physical condition of the ten buses to be acquired by Atwood from Greyhound, and that as many as twenty Greyhound bus operators would lose their jobs if the Atwood application is approved.

As previously discussed, all the protestants questioned the financial fitness of Atwood to assume Greyhound's operations in this area.

The W M A application will now be discussed.

Applicant W M A offered the testimony of its Comptroller, Samuel A. Sardinia, and of six public witnesses. The Mayor of Bowie testified as his interest may appear in support of the W M A application. Two other witnesses testified, one in support of the W M A application, and the other as to the need for bus service within the City of Bowie.

[12] Protestant Atwood offered the testimony of its General Manager, John D. Twiford. Protestant Greyhound offered the testimony of its Assistant Regional Manager, Virgil T. McKibben and of its Vice President and Comptroller, J. M. Clarke. Protestant D. C. Transit offered the testimony of its Assistant Vice President of Research and Development, William E. Bell. Protestant Transit Union offered the

testimony of its Vice President, Andrew D. Couch, and a member of its Executive Board, Harlan K. Rohde.

W M A or its predecessor has been providing mass transit operations in the Washington area since 1922. Its primary operations are within the southern portion of Prince Georges County, Maryland, and between Prince Georges County and the District of Columbia. W M A owns and operates approximately one hundred buses. Forty-two of these buses are air-conditioned and were acquired in 1962 or later. All buses operated in mass transit service are 1952 models or later. Older buses have been relegated to school bus service. The forty-two, air-conditioned buses are equipped with two-way radios, which, according to witness Sardinia, provide for more efficient utilization of equipment and help substantially in preventing crime on the buses. During the hearing, it was noted that W M A had seventeen, air-conditioned buses on order; these have now been received and are included in the forty-two buses mentioned above.

W M A employs approximately eighty-five drivers and twenty-five mechanics.

The record shows that W M A manifested an interest in serving the proposed routes several months prior to filing of the within application. The territory sought to be served by W M A lies generally within its existing regular route territory; its present routes lie generally both north and south of the proposed routes. W M A proposes to operate twenty-two round-trips daily between Carrollton and Washington. The points intermediate to Bowie and Carrollton will receive more frequent service. In addition, W M A proposes to provide local service within the Cities of Bowie and Carrollton. The proposed service will require the use of thirteen buses.

W M A maintains that the proposed service ties in with several of its existing routes and, with minimum route extensions, could become an integral part of its entire system, thereby allowing passengers to transfer in any direction <sup>within</sup> with Prince Georges County. Witness Sardi-



nia stated that W M A's application was not based on the cessation of operations by Greyhound; that W M A could operate the proposed service profitably even in competition with Greyhound.

W M A proposes to charge a maximum fare of 75 cents for this service. The fare between Washington and Bowie will be 75 cents; the fare between Washington and the first zone in Maryland will be 45 cents; and the local fare within the Belair section of Bowie and the City of Carrollton will be 25 cents. [13] The local school children's fare will be 15 cents. Passengers desiring to transfer to the buses operated by D. C. Transit, W. V. & M. Coach Company, or A. B. & W. Transit Company, will have the benefit of the joint fare arrangement among these carriers.

As justification of the need for additional service between the Bowie-Carrollton and Washington area, witness Sardinia testified in connection with a study made of the proposed service area (Bowie-Carrollton area), and of another service area (Spaulding Corridor), presently being served by W M A. As of January 16, 1964, both areas had a total population of between 73,000 and 75,000.

By 1980, it is estimated that the population of each of these areas will approximate 140,000. W M A is presently transporting 3,650 revenue passengers daily in the Spaulding Corridor, as compared to 1,600 revenue passengers being transported daily in the Bowie-Carrollton Corridor, according to witness Sardinia. W M A anticipates that even if Greyhound continues to operate in the area it can operate the proposed service profitably. Sardinia testified that on the basis of 2,000 daily passengers, which he assumed would be transported by W M A, even in competition with Greyhound, and assuming an average fare of 54 cents, the Company would receive \$1,080 in daily revenues, as compared to daily expenses of \$840.00. The \$840 expense figure was arrived at by taking the total hours of 120 - required to operate the daily schedules-multiplied by \$7.00, which includes both direct and indirect hourly costs of W M A.



W M A does not desire to transport passengers within the District of Columbia, and is willing to have its authority restricted against the right to perform purely local service along Route 450, a distance of one-and-a-half miles, where the route duplicates an existing route of D. C. Transit. The restriction would not apply to passengers boarding the buses along this segment of the route and destined to points beyond, and vice versa. D. C. Transit does not have any direct service between points along this segment of Route 450 and downtown Washington. Witness Sardinia testified that, in his opinion, passengers destined to downtown Washington from points along this segment of Route 450 were using Greyhound's service. The suggested restriction offered by witness Sardinia conforms to the restriction presently being recognized by Greyhound.

No one questioned the fitness or ability of W M A to render the proposed service.

W M A's income statement for the ten-month period ended October 31, 1964, showed net income of \$117,194.00, compared to net income of \$34,749.00 for the same period of the previous year. Net income for October, 1964, was reported as \$12,668 compared to \$12,622 for October, 1963. W M A also introduced a statement of projected earnings from the proposed operation which indicated substantial net income therefrom.

[14] The Mayor of Bowie, Frank J. Wilson, testified in support of the W M A application. He read a prepared statement into the record. The Examiner overruled objections to certain portions of the statement and the Commission confirms the Examiner's ruling. Mr. Wilson testified that the population of Bowie has increased from approximately 1,100 people to 20,000 people in approximately three years; that the great majority of the workers living in the Bowie area are employed in Washington, D.C., and only a small percentage is employed in Baltimore, Maryland. He further testified that within the next two to three years, the population of Bowie will be in excess of 30,000. He stated

that without a concrete proposal for intra-city service within the City of Bowie, no proposal by any carrier merits consideration. He further stated that the number of trips operated by Greyhound over Route 450 are inadequate and in many respects the schedules are inappropriate. He also stated that express bus service between Bowie and Washington is needed during the morning and evening rush hours.

Mr. Wilson summarizes the position of the Bowie City Council as follows:

"Thus, the basic needs of the City of Bowie at this time in the area of bus transportation are for service within the City, including direct service to the Hunting-ton section; improved regular service to Washington; express service to Washington and service to Bowie State College. We believe the Company which can best satisfy these needs should receive the right to service the area.

"It is the opinion of the Bowie City Council that the proposal submitted by W M A Transit Company is superior to the proposal submitted by Atwood Transport Lines, Inc., in many respects.

"Further, we believe that the benefits which are inherent in W M A's proposal, as well as others which will indirectly flow therefrom, are not possible under the Atwood proposal. In many respects, Atwood is simply incapable of rendering a service which will satisfy the needs of the citizens of Bowie in a manner which will be of the greatest possible benefit to them."

Prior to the action of the Bowie City Council to support W M A's application, representatives of W M A and Atwood appeared at an executive session of the Bowie City Council, and presented their respective proposals in detail. As a result of that presentation and after detailed and extensive questioning by the Council and the Advisory Planning Board, the Council unanimously, in public session on Monday, December 14, 1964, passed a resolution in favor of the W M A proposal, with

the provision that W M A commit itself at the hearing to render express service to and [15] from Washington, during the morning and afternoon rush hours. Mr. Wilson pointed out that in respect to a comparison between the proposed and existing service, that W M A proposal would increase the present twelve daily round trips to nineteen daily round trips between Washington and Bowie, and would provide twenty-two round trips within the loop at the Belair section. He pointed out that Atwood's proposal offered nothing new in the way of service but is merely a duplication of the Greyhound operations. Mr. Wilson also pointed to lower fares of W M A as compared to Atwood's proposed fares; that W M A enjoyed joint fare arrangements with other local carriers in the Washington area; that transfers to other W M A routes were possible; that W M A would transport the commuters into the federal triangle of Washington, whereas Atwood proposes to deliver them to the Greyhound terminal at 11th & New York Avenue, N.W., Washington, D. C. Mr. Wilson also pointed out that the minimum fare proposed by Atwood is 45 cents, as compared to W M A's minimum fare of 25 cents, within the City of Bowie.

Mr. Wilson further stated that, in his opinion, W M A had more modern equipment and was more experienced in performing mass transit operations; that W M A also had the advantage of integrating its proposed service with its present service within Prince Georges County.

Mr. Wilson had also reviewed the financial statements of W M A and Atwood and had concluded that W M A was in a much better financial position.

Mr. Wilson summarized his statement as follows:

"In sum, it appears to us that the Atwood proposal is not keyed to the needs of the area, whereas W M A's proposal is more nearly keyed to those needs. Atwood offers no improvement over that which already exists and W M A does. Atwood's equipment is old, W M A's is new. Atwood offers no inter-line or inter-route transfers and W M A does. Atwood does not bring pas-

sengers as far into Washington as does W M A. Atwood has only little experience as an operator of regularly scheduled bus lines and W M A has much experience. Atwood's fares are higher than W M A's. In short, the proposal of W M A in our opinion is so far superior to that submitted by Atwood that I don't believe there is any reasonable comparison except as a study in contrasts.

\* \* \*

"In conclusion, Mr. Chairman, and gentlemen of the Commission, I would like to reiterate our favorable impression of the W M A proposal and I wholeheartedly urge this Commission to act favorably thereon."

[16] Mr. Wilson stated that the position of the City of Bowie was not based upon the abandonment of Greyhound's service; that Greyhound's plans had not been considered. With reference to the commuter fares of Greyhound, he stated that many people did not want to use bus service daily and consequently could not take advantage of the commuter fare.

The City Officer for the City of Carrollton, Jan E. Delbruegge, testified in support of the W M A application. Mr. Delbruegge testified that the present population of Carrollton was 14,000. Representatives of W M A and Atwood appeared before the Carrollton City Council and presented their respective proposals in detail. As a result of the presentation, the City Council unanimously, at a regular meeting held on December 16, 1964, passed a resolution in support of the W M A application.

Mr. John J. McBurney, an attorney and representative of the Union of W M A's employees, testified in support of the W M A application. He testified that the new operation of W M A which encircles the Hillcrest Heights area generated substantial traffic because of the local service within the area. Mr. McBurney concluded his testimony by stating that while he preferred W M A's service, the Commission should decide the case on its merits.



Mr. Richard W. Perkins, President of the Bowie Citizens Association, testified in support of the W M A application. He stated that the Association, composed of 325 to 350 families, passed a resolution on December 17, 1964, after a presentation by W M A and Atwood, in support of the W M A application.

Mr. James W. Harris, Mayor of Landover Hills, submitted a resolution of the Town Council in support of the W M A application. Mr. Harris considered that Greyhound was rendering adequate service.

Mr. Donald A. Westcott, Community Relations Manager for Levitt & Sons, the firm which has constructed many of the homes, in Bowie, testified that on January 5, 1965, there were 3,924 homes in Bowie, and estimated that by January, 1967, there would be 6,500 homes. He estimated that 80% of the workers in Bowie are employed in Washington, D.C. His testimony was that he was interested in the best service possible for Bowie.

Mr. Hoyt S. Brown, Jr., Brentwood, Maryland, Chairman of the Transportation Committee for the Capital Plaza Shopping Association, testified in support of the W M A application. He testified that he had a prior meeting with representatives of W M A, Greyhound and D. C. Transit, and stated "the only thing that came out of it was that W M A was willing to take it (service to the area) under advisement; Greyhound was willing to revise their time schedule, which they did sometime later; and D. C. Transit said if we would be willing to pay for it we could have it. Other [17] than that, that was it." Mr. Brown discussed a meeting he had held with Mr. Bell of D. C. Transit, in June or July of 1964, to determine if bus service could be obtained for the immediate community, including Radiant Valley, Landover Hills, Parkway Estates and Woodlawn. He stated that Mr. Bell's response was that the service was not financially feasible. He also testified that Greyhound had refused to furnish the proposed service.

Mr. William Grobman of Bowie, Maryland, who classified himself as an ex-member of the riding public, testified in support of the W M A



application. His testimony was to the effect that the approval of the W M A application would result in local service within Bowie; that the proposed service would enable W M A to provide service from Bowie to other portions of Prince Georges County in connection with W M A's existing routes. Mr. Grobman also stated that the joint fare arrangement W M A has with the other mass transit operators in the area was an important factor in his decision to support the W M A application. He complained that approval of the Atwood application would tend to further fragmentize the bus service in Prince Georges County. Mr. Grobman complained that it is too far to walk from many points in Bowie to Route 450, in order to use Greyhound's present service.

Mr. Albert Miller, Bowie, Secretary of the Business Men's Association, testified that Greyhound's present service was inconvenient to most business men, which adversely affects them in serving employees from points beyond Bowie. Mr. Miller had no preference as to which carrier should operate the improved service.

A summary of the testimony of these public witnesses is that Greyhound's present service between Washington and the Bowie-Carrollton area is inadequate, primarily because no local service is provided within these communities, that Greyhound's service does not extend far enough into downtown Washington; and that Greyhound's schedules are inadequate. Their testimony was that Atwood's proposal to merely take over the existing operations of Greyhound does not represent any service improvements whatever, and that W M A's proposal appears to meet the needs of the public in this area. As to a preference for the service of W M A or D. C. Transit, the witnesses testified in general that they were primarily interested in having adequate and convenient service, not which carrier gave the service. The witnesses stated that they were unfamiliar with D. C. Transit's proposal.

Mr. Virgil T. McKibben, Assistant Regional Manager of protestant Greyhound, testified that, in his opinion, Greyhound's present service was adequate, but if Atwood's application was denied, Greyhound would

be willing to provide additional service as may be required. It was Greyhound's position that Greyhound should first be given an opportunity to improve service, if found inadequate, before approving the W M A application. Mr. McKibben stated that the territory could not support two bus companies.

[18] Mr. John C. Twiford, General Manager of protestant Atwood, testified that Atwood's objection to the W M A application was based on Atwood's agreement with Greyhound; that Atwood had the equipment to perform the proposed operations, and that Atwood was willing to provide local service for both Bowie and Carrollton. He stated that if Atwood's application was approved, then after commencing operations, authority would be sought to provide local service from Bowie and Carrollton, provided a study showed that such a service was needed.

The Transit Union protested the W M A application generally for the same reasons it had protested the Atwood application; namely, several bus operators would lose their jobs with Greyhound.

Mr. William E. Bell, testifying on behalf of protestant D. C. Transit, stated that D. C. Transit opposed the W M A application on the basis of its own application and that the proposed routes of W M A would duplicate a portion of its service on a segment of Route 450, previously discussed. He stated, however, that D. C. Transit could be protected by restricting W M A against providing local service along this segment of the route. Mr. Bell maintained that there was not sufficient patronage along the routes served by Greyhound to justify two carriers' competing with each other.

#### FINDINGS

The Commission is charged with the responsibility under Article II of the Compact, "for the regulation and improvement of transit and the alleviation of traffic congestion within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District . . ." The Commission views this language as a

clear mandate for progressive and forward-looking action in improving transit and the alleviation of traffic congestion. The powers and duties of this Commission, under the Compact, were further clarified by the United States Court of Appeals for the Fourth Circuit in the case of A. B. & W. Transit Company v. Metropolitan Area Transit Commission, 323 F.2d 777 (1963):

"The creation of the Transit Commission was one of the steps taken by Congress in the realization that regulation of mass transit in a large metropolitan area requires solutions specifically tailored to the area's special needs. It is, therefore, to be reasonably expected that the Transit Commission, in the exercise of its administrative functions, may establish regulations and a body of case by case decisions that will differ from those of public bodies regulating transportation. For example, it cannot be expected that the Transit Commission will necessarily determine the requirements of 'public convenience and necessity' in relation to mass transit in the Washington metropolitan area to be the same as would either the Interstate Commerce Commission or the local commissions [19] previously involved in regulating various aspects of this traffic. The impact of rules and decision of such public bodies as 'stare decisis' for the present Transit Commission is, therefore, limited. These decisions, and those of reviewing courts, may aid in the search for the meaning of a statutory phrase and, perhaps, help point up the outer limits of administrative discretion; but they cannot generally be used to show the path the Transit Commission must follow in determining the requirements of the public convenience and necessity."

The Commission concludes, after a careful review of all the evidence in the combined record of these proceedings that the present population, coupled with the future growth potential in the area proposed to be served, warrants a finding that present and future public

convenience and necessity require the operation of a mass-transit type service as opposed to an intercity type service. The communities along the proposed routes between Washington, D.C., and Carrollton-Bowie, Maryland, have grown in population to a point where, in many instances, they may be classified as being contiguous communities. There was clear indication from the record that their future growth may be hampered by lack of adequate bus transportation.

In selecting the carrier best qualified to undertake the responsibility of providing mass transit service for the area involved, it is appropriate to compare the qualifications and proposals of the applicants and to discuss the attitude of the public to be served.

Every public witness appearing at the hearings supported W M A's application. No public witnesses supported the Atwood application. Their choice between the applicants was clear. The official governing bodies of the two major Cities, Bowie and Carrollton, endorsed the W M A application after hearing a presentation by both Atwood and W M A. The public witnesses, in general, agreed that Greyhound's service was wholly inadequate.

In comparing the proposed routes to be served by the two applicants, the Commission must confine its discussions to proposed routes as contained in the respective applications. Atwood proposes to operate the present routes operated by Greyhound. No service within Bowie or ~~Carrollton~~ <sup>Carrollton</sup> is proposed. Atwood's service will also terminate at Greyhound's terminal at 11th Street and New York Avenue, N.W., Washington, D.C. W M A proposes to provide local service within Bowie and Carrollton and will terminate its service at 11th Street and Pennsylvania Avenue, N.W., Washington, D.C. A need has been shown to exist for local service within Bowie and Carrollton, and for service to downtown Washington in the vicinity of 11th Street and Pennsylvania Avenue, N.W., Washington, D.C.

[20] Atwood proposes to operate the same schedules as are being operated by Greyhound, twelve round trips a day between Bowie and



Washington. W M A proposes nineteen round trips per day between Bowie and Washington, and an additional thirteen trips per day between Carrollton and Washington. While it is inappropriate to require that a given number of schedules be operated in granting a certificate of public convenience and necessity, the schedules proposed by Atwood do not meet the needs of the public.

Atwood proposes to use the same fares being charged by Greyhound. The cash fares of Atwood range from a minimum of 45 cents to a maximum of 95 cents, the latter charge being the fare between Bowie and Washington. W M A proposes a minimum fare of 25 cents and a maximum fare of 75 cents. The proposed commuter fares of Atwood, which must be purchased in lots of ten tickets, approximate the cash fares of W M A; in some instances lower, and in some instances higher. W M A proposes a school fare of 15 cents. In mass transit operations, important consideration must be given to individual fares, since many transit riders are not willing to commit themselves in advance for several transit trips over a relatively short period of time. W M A also has joint-fare arrangements with the other mass transit operators in the area, which enable the riders to enjoy a lower through-fare when transferring to a bus operated by one of the other bus companies. Atwood does not have fare boxes on its buses as does W M A. A person desiring to ride on Atwood buses must first purchase a ticket from a ticket agent, if one is available, otherwise he must pay the driver in cash, and the driver must give a cash receipt. This procedure causes delay and is not appropriate in mass transit operations. The fare box is a mark of mass transit operations.

Atwood proposes to use the existing stop locations of Greyhound, but proposes no bus stops as such. W M A proposes normal bus stops, which is another mark of mass transit operations.

Atwood has a fleet of twenty-eight, inter-city type buses with a single door in each of the buses. W M A has a fleet of approximately one hundred mass-transit type, two-door buses, forty-two of which are



air-conditioned, with two-way radios. Atwood proposes to acquire ten used, air-conditioned buses from Greyhound.

Financially, W M A appears to be in a much better position than Atwood to inaugurate an undertaking of the magnitude required by the proposed operations.

Atwood has had little experience in mass transportation operations; W M A has had extensive experience over a long period of time. W M A is equipped with both trained personnel and equipment to conduct the proposed operations as a mass transit operator.

[21] The Commission concludes and finds that the present bus service is inadequate and that the present and future public convenience and necessity require additional service over the routes involved, including local service within the Cities of Bowie and Carrollton, Maryland.

Greyhound contends that, although it is not a holder of a certificate of public convenience and necessity from this Commission, it is entitled to all the protection of Section 4(g), Article XII, of the Compact, as is accorded holders of certificates. The pertinent portion of Section 4(g), reads as follows:

" . . . and provided, further, if the Commission shall be of the opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public convenience and necessity, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate over such route."

The Commission agrees with Greyhound's contention. Counsel for Greyhound stated that "No carrier should be certificated to provide service over Greyhound's existing routes without Greyhound first having been given notice of, and a reasonable opportunity to correct, any de-

iciencies which this Commission may have from evidence that exists with respect to its current service."

The Commission cannot require Greyhound to improve its service, but agrees with Greyhound that it should be given an opportunity to correct the deficiencies found in its existing service.

Certain major service deficiencies have been found to exist as follows:

1. There is no local bus service within the City of Bowie, or between points within the City of Bowie and Washington, D.C.

2. There is no service between points within the City of Carrollton and Washington, D.C.

3. The present service ends at 11th Street and New York Avenue, N.W., Washington, D.C., and does not serve the downtown area in the vicinity of the federal triangle.

4. The frequency of service provided by its present schedules is inadequate. The minimum headway for mid-day operation should be sixty (60) minutes and the schedules during the rush hours should be adjusted according to service demands.

[22] There were other service deficiencies which were found to exist and ordinarily should be corrected but because of the nature of Greyhound's operations and the type of equipment operated, and because of other relevant circumstances, the Commission does not believe it would be reasonable to expect Greyhound to correct these other deficiencies within the time limits set in this Order.

The Commission concludes and finds that Greyhound should be given an opportunity to correct the service deficiencies numerically outlined above and that Greyhound should notify this Commission within thirty days from the service date of this Order of its willingness to correct such service deficiencies, and that Greyhound will correct such service deficiencies within thirty days from the effective date of this Order.

The Commission concludes and finds that if Greyhound declines to give the aforesaid notice of willingness or if Greyhound fails to correct the service deficiencies specified herein within thirty days after the effective date of this Order, then a new carrier service must be authorized, as hereinafter provided.

The Commission is of the opinion and finds that as between Atwood and W M A, the public convenience and necessity does and will require the transportation proposed by W M A and that W M A is fit, willing and able to perform such transportation properly.

The Commission further finds that the transportation proposed by Atwood is not and will not be required by the public convenience and necessity, inasmuch as it is the same service presently being rendered and which the Commission has found to be inadequate.

**THEREFORE, IT IS ORDERED:**

1. That Greyhound Lines, Inc., be, and it is hereby, given an opportunity to correct the service deficiencies set forth hereinabove on page 21; provided, however, that Greyhound shall notify the Commission within thirty (30) days from the service date of this Order of its willingness to correct such service deficiencies.

2. That in the event Greyhound Lines, Inc., intends to correct such service deficiencies, they be corrected within thirty (30) days from the effective date of this Order.

3. That W M A Transit Company be granted a certificate of public convenience and necessity, authorizing regular route operations over the routes set out on pages 3 and 4 of this Order, as an amendment to its Certificate No. 8, except that such certificate will be restricted against the transportation of passengers traveling between points in the District of Columbia, and against the transportation of passengers traveling between points along Route 450 where such route parallels and duplicates an existing [23] route of D.C. Transit; provided, however, that the grant of such authority is conditional and such amended

certificate will not be issued W M A Transit Company if Greyhound Lines, Inc., corrects the service deficiencies specified herein and otherwise complies with Paragraphs 1 and 2 above.

4. That the application of Atwood Transport Lines, Inc., for a certificate of public convenience and necessity be, and it is hereby, denied.

5. That this Order shall become effective May 8, 1965.

BY DIRECTION OF THE COMMISSION:

/s/ Delmer Ison  
Executive Director

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BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.  
ORDER NO. 508

Served July 30, 1965

IN THE MATTER OF:

Applications of WMA Transit  
Company to Change Route "D",  
Establish Route "W", and Aban-  
don and Extend Portions of  
Route "S".

Applications Nos. 315 and 316  
Docket No. 84

APPEARANCES:

STANLEY KAMEROW, Attorney for WMA Transit Company, ap-  
plicant.

GORDON PHILLIPS, Attorney for D. C. Transit System, Inc., pro-  
testant.

WMA Transit Company (WMA), filed an application (No. 315), to  
change its Route "D" and establish Route "W". Later it filed an appli-

cation (No. 316), to abandon a portion of, and also to extend a portion of, its Route "S". The proposals are as follows:

Route "D" - Westbound

Leave bus stand at rear of Hecht Company, Marlow Heights, Maryland; north on St. Clair Drive; thence southeast and northeast on Shopping Center Service Road; southeast on Branch Avenue; southwest on St. Barnabas Road; west on Oxon Hill Road; northwest on Livingston Road; east on Birchwood Drive; thence over existing route to 11th Street, N.W.

Route "D" - Eastbound

Follow existing route to intersection of Oxon Hill Road and Livingston Road; thence east on Oxon Hill Road; northeast on St. Barnabas Road; northwest on 28th Avenue; north on St. Clair Drive to bus stand at rear of Hecht Company, Marlow Heights, Maryland.

[2] Route "W" - Westbound

Leave bus shelter at Heather Hill Apartments, Prince Georges County, via service road; thence southwest on Fisher Road; west on Brinkley Road; north on Glen Rock Drive; west and south on Chestnut Street; west on Brinkley Road; west on Oxon Hill Road; southeast on Livingston Road; west on Wentworth Drive; north on Haven Avenue; west on Shelby Drive; south on Leyte Drive; east on Lindsay Road; southwest on Livingston Road; north on Indian Head Highway; east on Livingston Road; north on Livingston Terrace; east on Marcy Avenue; north on Deal Drive; east on Kennebec Street; north on 4th Avenue; west on Irvington Street; southwest and west on Audrey Lane; north on Indian Head Highway; north on South Capitol Street; northwest on Canal Street; north on 1st Street, S.W., and N.W.; northwest on Pennsylvania Avenue, N.W.; north on 11th Street, N.W. to bus stand south of E Street, N.W.



Route "W" - Eastbound

Leave bus stand south of E Street, N.W.; north on 11th Street, N.W.; thence east on E Street, N.W.; south on 3rd Street, N.W.; east on Adams Drive; south on 2nd Street, S.W.; southeast on Canal Street; south on South Capitol Street; south on Indian Head Highway; east and northeast on Audrey Lane; east on Irvington Street; south on 4th Avenue; west on Kennebec Street; south on Deal Drive; west on Marcy Avenue; south on Livingston Terrace; west on Livingston Road; south on Indian Head Highway; northeast on Livingston Road; west on Lindsay Road; north on Leyte Drive; east on Shelby Drive, south on Haven Avenue; east on Wentworth Drive; northwest on Livingston Road; east on Oxon Hill Road; east on Brinkley Road; north on Chestnut Street; south on Glen Rock Drive; east on Brinkley Road; northeast on Fisher Road; northwest on service road to bus shelter on Heather Hill Apartments.

Route "S" - Westbound

Leave front of Cafritz Memorial Hospital, southwest on Southern Avenue; thence east on Oakcrest Drive to Southview Apartments; west on Oakcrest Drive; southwest on Southern Avenue to intersection of South Capitol Street and Southern Avenue.

[3] Route "S" - Eastbound

Leave intersection of South Capitol Street and Southern Avenue; northeast on Southern Avenue; thence east on Oakcrest Drive to Southview Apartments; west on Oakcrest Drive; northeast on Southern Avenue to Cafritz Memorial Hospital.

RESTRICTION: The performance of the transportation on Route "S" is restricted to preclude the transportation of passengers whose transportation is solely within the District of Columbia.

As the issues in the two applications are interrelated, they were consolidated, and heard on April 15, 1965, before an examiner.

A protest to that portion of Application No. 316, seeking extension of service to the Cafritz Hospital along Southern Avenue was made by D. C. Transit System, Inc. (Transit), which also appeared and adduced testimony. The file contains a letter of protest to the proposed cessation of operation over Oneida Way, presently part of the "S" Route.

Basically, WMA operates a main route from downtown Washington south on South Capitol Street to the D.C. - Maryland boundary. Shortly after crossing into Maryland, the main route ("D"), turns east for approximately one-half mile into the area of Glass Manor, then turns south and generally parallels Indian Head Highway (which is the extended portion of South Capitol Street) for a distance of approximately two miles. There it turns around and returns.

Another route ("S"), intersects the main line at D.C.-Maryland line, extending east along Southern Avenue (D.C.), for approximately one and one-half miles, then turning into Maryland to the community of Southview; it extends south along Indian Head Highway; looping in and out of West Forest Heights, for approximately three miles to the intersection of Kirby Hill Road, where it loops to the right, over Oxon Hill Road back to Indian Head Highway.

The applicant proposes to discontinue service over the West Forest Heights loop and the Oxon Hill Road. This shall be discussed in detail later herein.

[4] Applicant proposes to originate a new route, "W", serving the areas of Heather Hill, Rosecroft Gardens, and Livingston Road, south to the Kirby Hill Road intersection, thence over the Indian Head Highway north to and through Glass Manor, thence into the District of Columbia, over existing routes. Present route "D" would be revised to turn east at Riverside Plaza and extend new service into the areas of Dennis Grove and Marlow Heights via St. Barnabas Road.

Route "S" would terminate, on the west, at the intersection of Southern Avenue and South Capitol Street, and would be extended on the east, to the Cafritz Hospital, via Southern Avenue. It is this eastern extension to which protestant, D. C. Transit objects.

As noted, one letter of objection to the Forest Heights abandonment was received, and no objections to the Oxon Hill Road abandonment were raised.

The applicant submitted testimony that a traffic check indicated that in Forest Heights nine passengers used the service westbound on thirteen scheduled trips. An eastbound check showed only two passengers utilized a total of twelve trips. A check on April 5, 1965, indicated only thirteen passengers, on both areas, in the morning rush hours rode six buses. The applicant presented testimony that further reveals that service to these two areas is presently operated only in the rush hours, and applicant advances the claim that more efficient service will be rendered under its proposals, in that the new "W" line will provide non-rush hour as well as rush hour service and that the service will be through and direct service to the District of Columbia.

Protestant D.C. Transit objects to the eastward extension of "S" line over Southern Avenue to the Cafritz Memorial Hospital. Transit advances the argument that this service is entirely within the District of Columbia and that its Congressional Franchise prohibits this Commission from authorizing any other carrier to provide intra-District of Columbia transportation unless Transit has been afforded the opportunity to serve the area and until the Commission finds such service is inadequate. It further contends that the applicant failed to prove a public need for the extension of its Route "S".

The Commission is of the opinion and finds that the proposed abandonment of service over the West Forest Heights loop and the Oxon Hill Road loop is in the public interest and should be granted. Patronage is so slight that further rendition of service is not warranted.

The Commission is of the opinion that applicant's evidence has proven a need for the new and revised service as proposed to be operated by the new "W" line and the revised "D" line. The Commission finds that such transportation is and will be required by the public convenience and necessity.

There remains for consideration the proposed eastward extension of the "S" line over Southern Avenue to the Cafritz Hospital. Part of the present "S" route now operates over Southern Avenue between South Capitol Street and Oakcrest Drive, under a "closed-door" restriction. Passengers outbound to Oakcrest Drive must board at applicant's last stop in Maryland, located only a matter of feet from the Maryland-District boundary. In the reverse direction, all passengers board in Maryland and may discharge either at 6th and Southern, within the District of Columbia, or at the Maryland stop on South Capitol Street. Under the proposal, there would be no intra-District of Columbia service as passengers boarding at the Hospital could only discharge at the Maryland South Capitol Street stop. Thus, Transit's argument — its franchise and/or certificate — is inapplicable for the reason that there will not be any intra-District of Columbia transportation.

Transit further contends that there is no need for the service because the Hospital is not yet operational. We cannot, of course, close our eyes to the immediate future. The Hospital is a tangible thing, well under construction, and scheduled for operation in the immediate future. Section 4(b) of the Compact requires us to consider whether ". . . such transportation is or will be required by the public convenience and necessity . . . ." (emphasis added). Therefore, Transit's argument cannot prevail.

Transit further contends that the Commission may not grant the Hospital extension for the reason that Section 4(e) of the Compact prohibits the issuance of additional service over the route of another carrier unless and until the Commission finds the existing service to be inadequate and gives the carrier providing that service reasonable time



and opportunity to remedy the inadequacy, and that such inadequacy cannot be found to exist as there is no present service being rendered; and that Transit has, in this proceeding, committed itself to apply for and render service to the Hospital.

Two salient questions must be answered. What service is Transit providing along the proposed route? Can it provide the proposed service?

Transit presently operates service over South Capitol Street to Southern Avenue, thence over Southern Avenue one block to Sixth Street; thence it departs Southern Avenue and goes into Washington Highlands, an area within the District of Columbia. No other service is rendered by Transit on Southern Avenue. However, Transit does have the authority in its Certificate of Public Convenience and Necessity No. 5 to operate regular route service between points in the District of Columbia, so that it could extend its service from Sixth Street over Southern Avenue to the Hospital.

Passengers originating in Maryland would be required to transfer from WMA buses to Transit's service at the junction of South Capitol Street and Southern Avenue. While WMA-Maryland patrons, should the application be granted, would have to transfer also, the fare would be less than if required to interline with Transit.

Transit is not authorized to serve the area of Maryland involved in this proceeding, so that in order to provide a non-transfer trip it would have to seek an amendment to its certificate.

Because of the restrictions requested by applicant and already in applicant's certificate (Section (A) page 1), there would not be any intra-District of Columbia transportation performed. Therefore, the Congressional Franchise and Transit's Certificate of Public Convenience and Necessity do not come into force and effect. As previously noted, Transit's only service on Southern Avenue is for one block. It does not operate over the remainder of Southern Avenue. The proposed service would be neither duplicative nor competitive with Transit's present



"route", i.e., the one block service. Any future service instituted by Transit for intra-District of Columbia passengers would satisfy service requirements for District residents. But what of those people located in Maryland desiring transportation?

Obviously, they must rely on service from either WMA or Transit. Will the public convenience and necessity be served by operations whereby Maryland people embark at their Maryland points of origin and travel to Southern Avenue by WMA service, then transfer to Transit, with the attendant extra fare? The ideal service would, naturally, provide direct facilities from origin to destination. This is not contemplated even by the applicant, at least by this application. Yet, applicant does propose a solution, preferable to Transit's proposal, by proffering the transfer service from a junction of several of applicant's main routes to the Hospital. The unfortunate fact exists that Transit, even if it provides service to the Hospital, will be unable to provide adequate transportation for Maryland passengers to the Hospital to serve the public convenience and necessity.

Transit also urges that applicant has failed to meet its burden of proving a need for service to the Hospital, inasmuch as there were no public witnesses to testify as to their need for service to the Hospital. Normally, this is true. There are, however, a few exceptions because of the particularly unusual type of establishments. A hospital falls into this classification. Except for employees, hospitals do not attract steady users of bus service. Patients spend a relatively short time in a hospital. No one anticipates that his friends or relatives will be hospitalized. And if they are or have been, it is most unusual to anticipate a return visit. This usage is very similar to that of the household goods area in property transportation, where it is almost impossible to develop a need based on testimony of personal need. Here, it was developed that the hospital lies on the boundary of a large residential area. That the residents will use the hospital is not open to argument. It is a near impossibility to develop which of those people will use it.

The Commission is, therefore, of the opinion and finds that the public convenience and necessity requires the proposed transportation, as restricted.

The Commission is of the further opinion that the applicant is fit, willing and able to provide such transportation properly and to conform to the provisions of the law and rules and regulations promulgated thereunder.

**THEREFORE, IT IS ORDERED:**

1. That the application of WMA Transit Company for authority to perform the transportation hereinabove described be, and it is hereby, granted.
2. That Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by incorporating Revised Pages 2, 3, 5 and 6, as attached hereto, and made a part hereof.
3. That this Order become effective Friday, July 30, 1965.

**BY DIRECTION OF THE COMMISSION:**

/s/ DELMER ISON  
Executive Director

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**APPENDIX A  
ORDER NO. 508**

**[First Revised Page 2]**

- No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.

- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.
- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.
- No. 7 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker Road, Bock Road, Hempstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.
- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- \*No. 9 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Birchwood Drive, Fenwood Avenue, Belmont Drive, Galloway Drive, Birchwood Drive, Livingston Road, Oxon Hill Road, St. Barnabas Road, 28th Avenue, St. Clair Drive to bus stand at rear of Hecht Company and return over same route.

## [First Revised Page 3]

- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D.C. over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D.C. over city streets to Southern Avenue, thence over Business Maryland 4, 57th Avenue, Maryland Route 214 to Beverley Beach and return over the same route.
- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.
- No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.
- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 and 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.
- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive,

## [First Revised Page 5]

- No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.
- No. 28 From Washington, D.C. over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road, Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.
- No. 29 From junction of Maryland Route 193 and Edmonston Road over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.
- No. 30 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 31 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D.C. over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varnum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.



- \*No. 35 From junction of Southern Avenue and South Capitol Street, over Southern Avenue and Oakcrest Drive to Southview Apartments, thence over Oakcrest Drive and Southern Avenue to Cafritz Memorial Hospital and return over the same route.

[Third Revised Page 6]

- \*No. 36 From Washington, D.C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.
- No. 37 From Washington, D.C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- No. 38 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Maryland Route 564, Highview-Bowie Road, Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 39 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.

No. 40 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Riverdale Road, Lamont Street, Quentin Street, Lamont Place to Lamont Street and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia, serving all intermediate points, as follows:

- (1) Along Pennsylvania Avenue, S.E., east of <sup>Anacostia</sup> ~~Anacostia~~ River to Southern Avenue.
  - (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E., to Suitland Road, S.E.
  - (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
  - (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
  - (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
  - (6) Along Bowen Road, S.E., from Alabama Avenue, S.E., to Southern Avenue.
  - (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
  - (8) Along Hanna Place, S.E., from Benning Road, S.E., to H Street, S.E.
-

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D.C.

ORDER NO. 516

IN THE MATTER OF:

Served: August 6, 1965

Applications of WMA Transit	)	Applications Nos. 311, 312,
Company to Add, Change, and/or	)	313, 326, 327, 328, 337
Extend Routes "Q", "A", "F" and	)	
"T", in Prince Georges County,	)	
Maryland, and Washington, D.C.	)	Docket No. 81

APPEARANCE:

STANLEY H. KAMEROW, Attorney for WMA Transit Company.

WMA Transit Company filed applications to change, add, and/or extend the following routes:

Application No. 311 — Add Route "Q" between Carrollton and Beltway Plaza as follows:

From the intersection of Quentin Street and Lamont Drive, over Quentin Street, Lamont Street, Lamont Drive, Riverdale Road, Maryland Route 450, Maryland Route 564, Telegraph Road, Cipriano Road, Glenn Dale Road, Greenbelt Road, Beltway Plaza service road to bus stand at Klein's Department Store, and return over the same route.

Application No. 312 — Extend Route "F" to Glenn Dale Sanitarium as follows:

From the intersection of Volta Street and Varnum Street, over Varnum Street, Whitfield-Chapel Road, Maryland Route 704, Maryland Route 450, and Glenn Dale Road to Glenn Dale Sanitarium and return over the same route.

Application No. 313 — Extend Route "A" to Capital Plaza as follows:

From Prince Georges Hospital over Hospital Drive, Baltimore-

Washington Parkway, Maryland Route 450 and Capital Plaza Service Road to bus stand at Montgomery Ward and return over the same route.

Application No. 326 — Extend Route "T" to Maryland Route 3 as follows:

From Belair Shopping Center over Maryland Route 450 to Maryland Route 3 and return over the same route.

Application No. 327 — Change Route "T" as follows:

In Belair, from the intersection of Belair Drive and Starlight Lane, over Starlight Lane and Stonehaven Lane to Stafford Lane. In Carrollton, from the intersection of Lamont Drive and Powhatan Street, over Powhatan Street, 85th Place, Carrollton Parkway and Lamont Drive to Powhatan Street.

Application No. 328 — Extend Route "T" to Glenn Dale Sanitarium as follows:

From the intersection of Maryland Route 450 and Glenn Dale Road, over Glenn Dale Road and Service Roadway to Glenn Dale Sanitarium and return over the same route.

Application No. 337 — Add to Route "T" as follows:

From the intersection of New York Avenue and Bladensburg Road, N.E., over New York Avenue and Baltimore-Washington Parkway to the intersection of Maryland Route 450 and Baltimore-Washington Parkway and return over the same route; restricted, however, to no boarding or alighting along any portion of such route herein described.

By orders 493 and 498, a public hearing was ordered. Notice of the applications and hearing thereon was in compliance with the rules and regulations of the Commission.

A public hearing on the applications was held on July 27, 1965. There were no protests to these applications, and no one appeared in opposition. Mr. Samuel A. Sardinia, Controller, WMA Transit Company, testified for the Company.

Mr. Sardinia testified concerning the reasons for the various applications, and 22 exhibits were entered into the record in support thereof. He further testified that since the original filing of Application No. 311 for authority to establish Route "Q", WMA Transit Company had contemplated two changes. He offered Exhibits 1A, 1B, and 1C to show the proposed deletion of Cipriano Road and certain route changes in Carrollton, Maryland, as requested by officials of that community and reflected in route changes requested in Application No. 327. Exhibit 1A describes the operation of Route "Q" as follows:

From the intersection of Lamont Drive and Powhatan Street, over Powhatan Street, 85th Place, Carrollton Parkway, Lamont Drive, Riverdale Road, Maryland Route 450, Maryland Route 564, Telegraph Road, Glenn Dale Road, Greenbelt Road, and ~~Belway~~ <sup>Beltway</sup> Plaza Service Road to bus stand at Klein's Department Store, and return over the same route.

Mr. Sardinia testified that the routes proposed in Applications 326, 327, 328, and 337, were currently being operated under temporary authority, and that the Company desired to institute the routes described in Applications 311, 312 and 313, in September to coincide with the opening of the fall school term.

The Commission is of the opinion and finds that public convenience and necessity require the proposed changes, additions, and extensions.

**THEREFORE, IT IS ORDERED:**

1. That authority be, and it is hereby, granted WMA Transit Company, effective September 6, 1965, to add, change, and/or extend Routes "Q", "A", "F", and "T" as described herein.

2. That WMA Transit Company Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by the revision of all pages and the addition of pages as attached hereto and made a part hereof.

**BY DIRECTION OF THE COMMISSION:**

/s/ DELMER ISON  
Executive Director



WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 8

W M A TRANSIT COMPANY  
BRADBURY HEIGHTS, MARYLAND

At a session of the Washington Metropolitan Area Transit Commission held on the 12th day of August, 1964;

AFTER DUE INVESTIGATION, it appearing that the above named carrier has complied with all applicable provisions of the Washington Metropolitan Area Transit Regulation Compact, and the requirements, rules and regulations prescribed thereunder, and therefore is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier; and the Commission so finding:

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that this certificate does not authorize any intrastate transportation in Virginia:

REGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passengers.

- (A) Between Washington, D.C., and points in Maryland; and between points in Maryland, serving all intermediate points restricted, however, against the transportation of intrastate passengers in

the District of Columbia, and further restricted against the transportation of passengers traveling in Prince Georges County between the intersection of Maryland Route 450 and Landover Road and the intersection of Maryland Route 450 and 38th Street, inclusive of said intersections, and further restricted to a "closed door" operation on Kenilworth Avenue between its intersection on the north with Riverdale Road and on the south with Edmonston Road.

[Second Revised Page 2]

- No. 1 From Washington, D.C., over city streets to Southern Avenue, thence over Business Maryland Route 4, 57th Avenue, Maryland Routes 214, 389, 704, Greenleaf Road, 82nd Avenue, Barlow Road, Maryland Route 202, Prince Georges Avenue, Hawthorne Street, 73rd Avenue, Forest Road, 74th Avenue to Kent Village, and return over the same route.
- No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.
- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.

- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.

[Second Revised Page 3]

- No. 7 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker Road, Bock Road, Hempstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.
- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- No. 9 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Birchwood Drive, Fenwood Avenue, Belmont Drive, Galloway Drive, Birchwood Drive, Livingston Road, Oxon Hill Road, St. Barnabas Road, 28th Avenue, St. Clair Drive to bus stand at rear of Hecht Company and return over the same route.
- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D.C., over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D.C., over city streets to Southern Ave-

nue, thence over Business Maryland 4, 57th Avenue, Maryland Route 214 to Beverley Beach and return over the same route.

- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.

[First Revised Page 4]

- No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.
- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 and 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.
- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, Maryland Route 414, Temple Hills Road, Fisher Road, David Drive, Janice Lane, Norris Drive to Temple Hills and return over the same route.
- No. 20 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, Marlow Heights Shopping Center Service Road, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive, Maryland Route 414, Temple Hills Road, Fisher Road, David Drive,

Janice Lane, Norris Drive to Temple Hills, and return over the same route.

- No. 21 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 210, Livingston Road, Old Fort Road, Jefferson Street, Madison Place, Monroe Street, Livingston Road, Maryland Routes 210, 227, Bryan's Station Road, Maryland Routes 225, 210 to Indian Head and return over the same route.

[Second Revised Page 5]

- No. 22 From junction of Maryland Routes 210 and 227, over Maryland Route 227 to Marshall Hall and return over the same route.
- No. 23 From Washington, D.C., over city streets to Southern Avenue, thence over Business Maryland Route 4, Gateway Boulevard, 72nd Avenue, Business Maryland Route 4, Maryland Routes 534, 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 24 From junction of Maryland Route 534 and Business Maryland Route 4, over Maryland Route 534 to Maryland Route 221 and return over the same route.
- No. 25 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 4, Maryland Avenue, Park-Berkshire Drive, Maryland Avenue, Maryland Route 4, Suitland Parkway to Andrews Air Force Base and return over the same route.
- No. 26 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Routes 218, 337, Auth Road, Carswell Avenue, Maxwell Avenue, Maryland Route 337 to Andrews Air Force Base and return over the same route.
- No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.



- No. 28 From Washington, D.C., over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road, Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.
- No. 29 From junction of Maryland Route 193 and Edmonston Road over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.
- [Fifty Revised Page 6]
- No. 30 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 31 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.
- No. 35 From junction of Southern Avenue and South Capitol Street, over Southern Avenue and Oakcrest Drive to Southview Apartments, thence over Oakcrest Drive and Southern Ave-

nue to Cafritz Memorial Hospital and return over the same route.

- No. 36 From Washington, D.C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.

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- No. 37 From Washington, D.C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- \*No. 38 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Belair Shopping Center Roadway, Superior Lane, Stonybrook Drive, Buckingham Drive, Belair Drive, Kembridge Drive, Kenhill Drive, Belair Drive, Starlight Lane, Stonehaven Lane, Stonybrook Drive to Superior Lane and return over the same route.
- \*No. 39 From junction of Maryland Route 450 and Maryland Route 564, over Maryland Route 564 and Highbridge-Bowie Road to Maryland Route 450 and return over the same route.
- \*No. 40 From junction of Maryland Route 450 and Riverdale Road, over Riverdale Road, Lamont Drive, Powhatan Street, 85th Place, Carrollton Parkway, Lamont Drive to Riverdale Road and return over the same route.
- \*No. 41 From junction of Maryland Route 450 and Stonybrook Drive, over Maryland Route 450 to Maryland Route 3, and return over the same route.

- \*No. 42 From junction of Glenn Dale Road and Maryland Route 450, over Glenn Dale Road and Service Roadway to Glenn Dale Sanitarium and return over the same route.
- \*No. 43 From junction New York Avenue and Bladensburg Road, N.E., over New York Avenue and Baltimore-Washington Parkway to the intersection of Maryland Route 450 and Baltimore-Washington Parkway and return over the same route; restricted, however, to no boarding or alighting along any portion of such route herein described.
- \*No. 44 From junction of Lamont Drive and Powhatan Street, over Powhatan Street, 85th Place, Carrollton Parkway, Lamont Drive, Riverdale Road, Maryland Route 450, Maryland Route 564, Telegraph Road, Glenn Dale Road, Greenbelt Road, and Beltway Plaza Service Road to bus stand at Klein's Department Store, and return over the same route.

[Third Revised Page 8]

- \*No. 45 From junction Volta Street and Varnum Street, over Varnum Street, Whitfield-Chapel Road, Maryland Route 704, Maryland Route 450, and Glenn Dale Road to Glenn Dale Sanitarium and return over the same route.
- \*No. 46 From Prince Georges Hospital, over Hospital Drive, Baltimore-Washington Parkway, Maryland Route 450 and Capital Plaza Service Road to bus stand at Montgomery Ward and return over the same route.
- No. 47 From Washington, D.C., over city streets to Southern Avenue, thence over Maryland Route 4, Walters Lane, Section 1 Service Road, Section 2 Service Road, Keystone Lane, and Section 3 Service Road to Swimming Pool at Keystone Gardens Apartments and return over the same route.

(B) Between points within the District of Columbia, west of the Anacostia River and points within the District of Columbia, serving all intermediate points as follows:

- (1) Along Pennsylvania Avenue, S.E., east of Anacostia River to Southern Avenue.

- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E., to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue, S.E., to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E., to H Street, S.E.
- (9) Along H Street, S.E., from Hanna Place, S.E., to Alabama Avenue, S.E.
- (10) Along Alabama Avenue, S.E., from H Street, S.E., to Hillside Road, S.E.
- (11) Along Hillside Road, S.E., from Alabama Avenue, S.E., to Benning Road, S.E.
- (12) Along Ridge Road, S.E., from Bowen Road, S.E., to Southern Avenue.

[Original Page 9]

- (C) Between points within the District of Columbia, west of 60th and East Capitol Streets, N.E., and points within the District of Columbia, serving all intermediate points as follows:
- (1) Along East Capitol Street from 60th Street, N.E., to Southern Avenue.
  - (2) Along 63rd Street, N.E., from Southern Avenue to Eastern Avenue.
  - (3) Along Southern Avenue from 63rd Street, N.E., to Eastern Avenue.

- (4) Along Eastern Avenue from 63rd Street, N.E., to Southern Avenue.
- (5) Along Eastern Avenue from Addison-Chapel Road to Kenilworth Avenue.
- (D) Between the Downtown Terminal and South Capitol Street at Firth Sterling Avenue on Mondays thru Fridays, holidays excepted, during the periods of day when passenger service on South Capitol Street at the parking lot is not provided by D.C. Transit System, Inc.

NOTE: The <sup>repetition</sup> ~~petition~~ of route description with respect to the highways over which operations are authorized herein shall not be construed as granting more than a single operating right over said highways.

#### IRREGULAR ROUTES:

Passengers and their baggage:

##### (A) CHARTER OPERATIONS:

Round-trip or one-way;

- (1) From points in the District of Columbia to points in the Metropolitan District.
- (2) From points in that portion of Prince George's County, Maryland, lying east of U.S. Highway 1 to points in the Metropolitan District.

[Original Page 10]

##### (B) SPECIAL OPERATIONS:

Round trip or one-way;

Between points on its regular routes, authorized herein on the one hand, and points within the District of Columbia and Prince George's County, Maryland, on the other.

AND IT IS FURTHER ORDERED and is made a condition of this Certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted



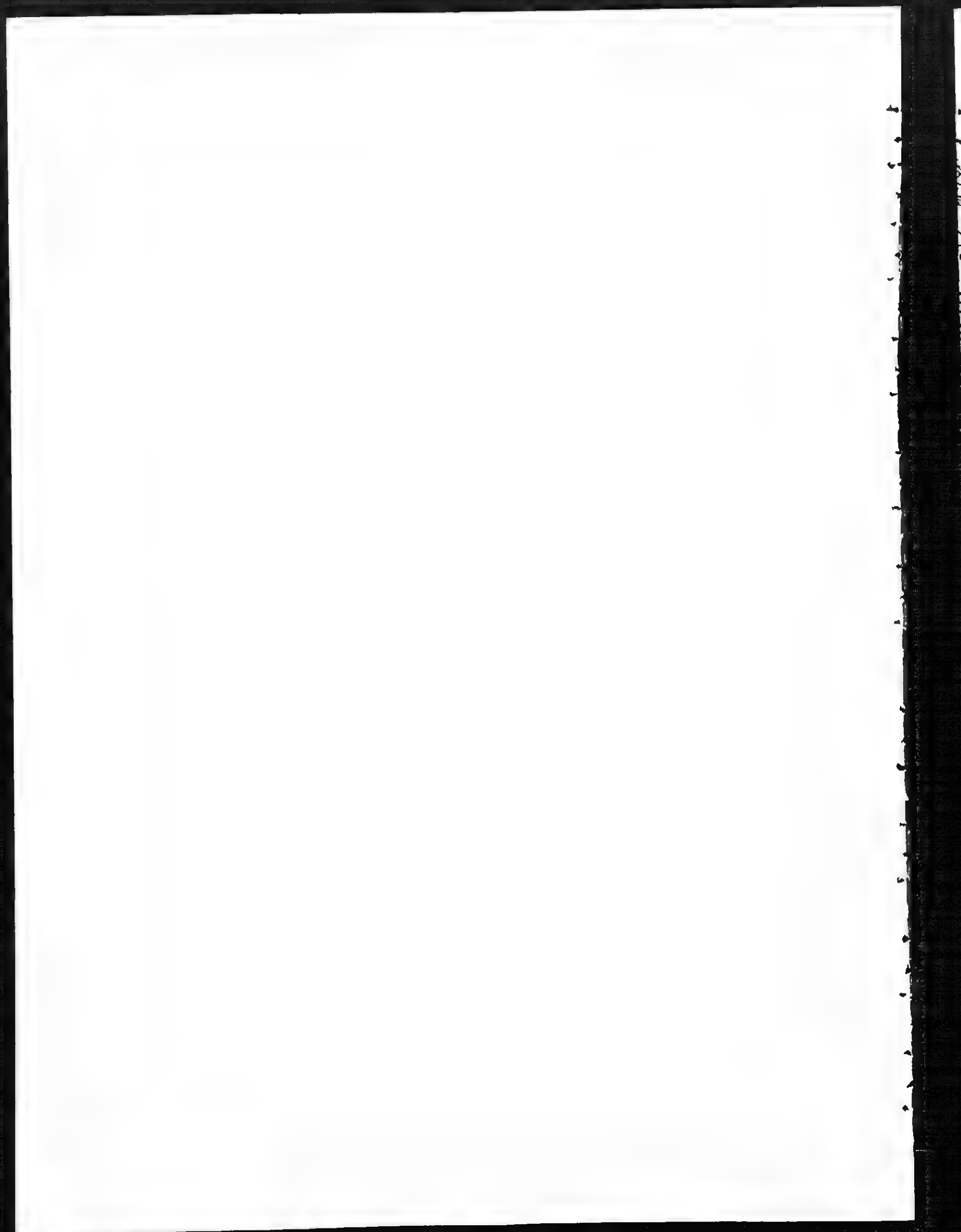
herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this Certificate.

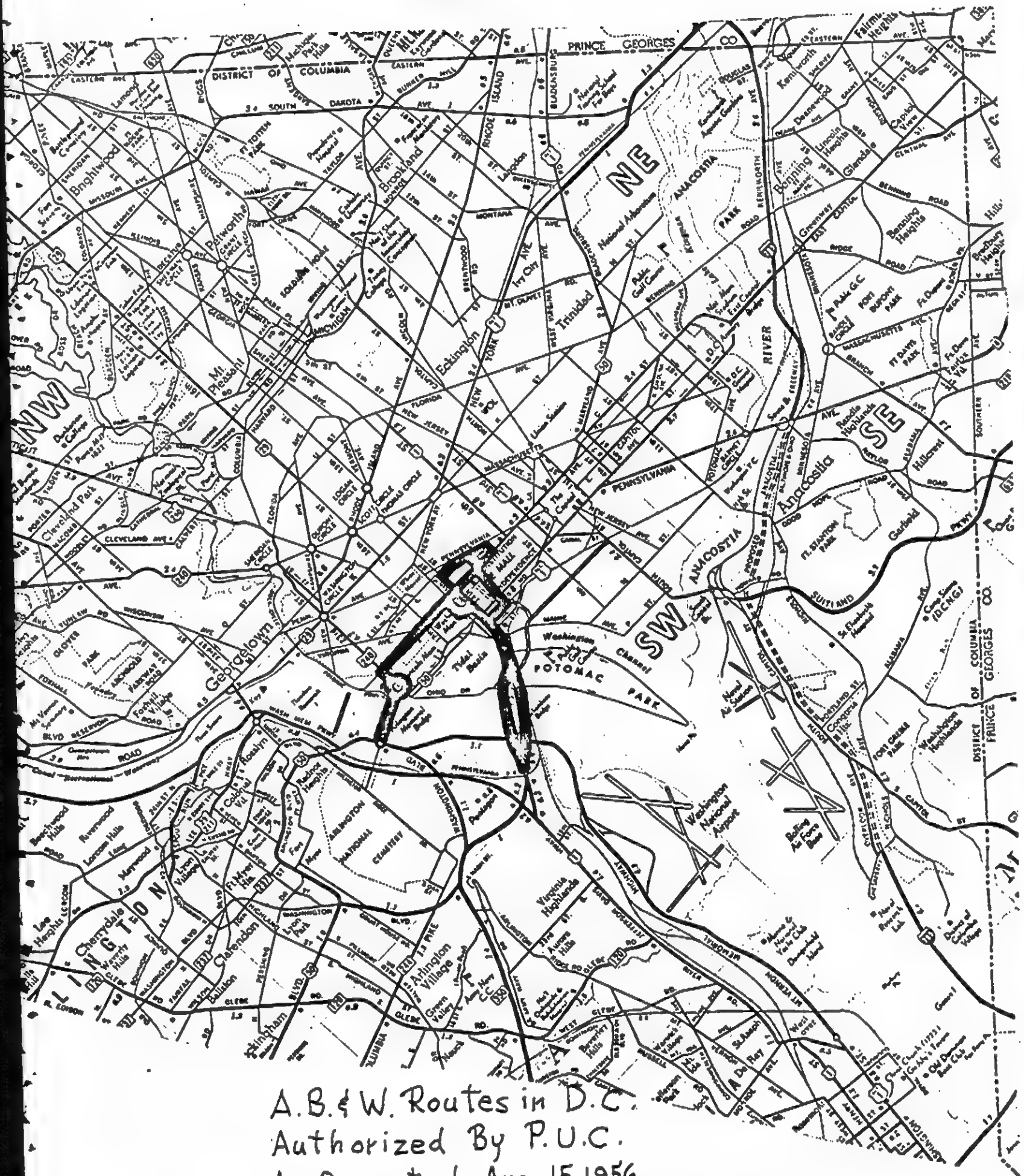
The operating authority granted by this Certificate is granted pursuant to Order No. 367 and also embraces and supersedes the operating rights previously set forth in Order No. 325.

BY DIRECTION OF THE COMMISSION:

/s/ DELMER ISON  
Executive Director

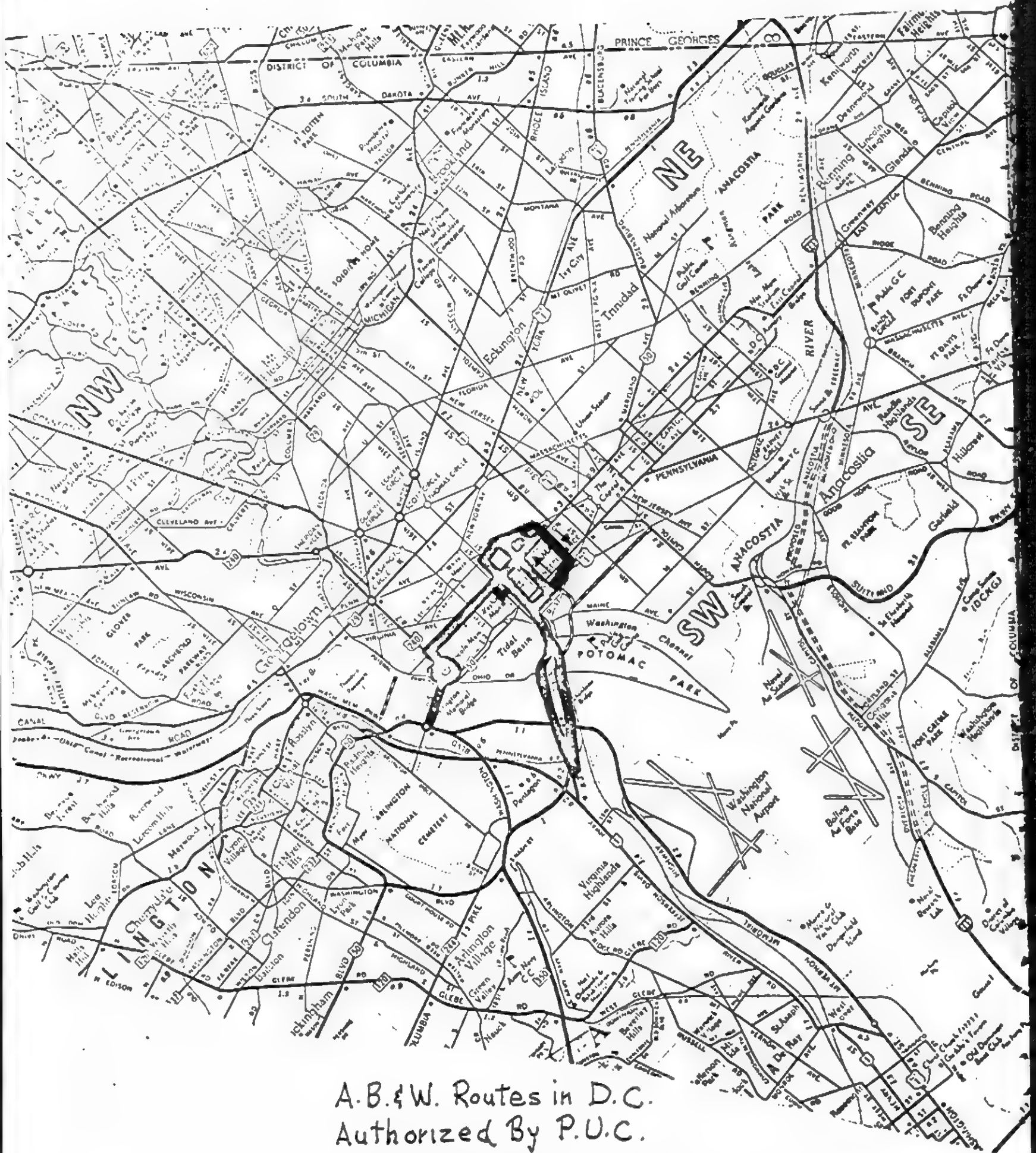
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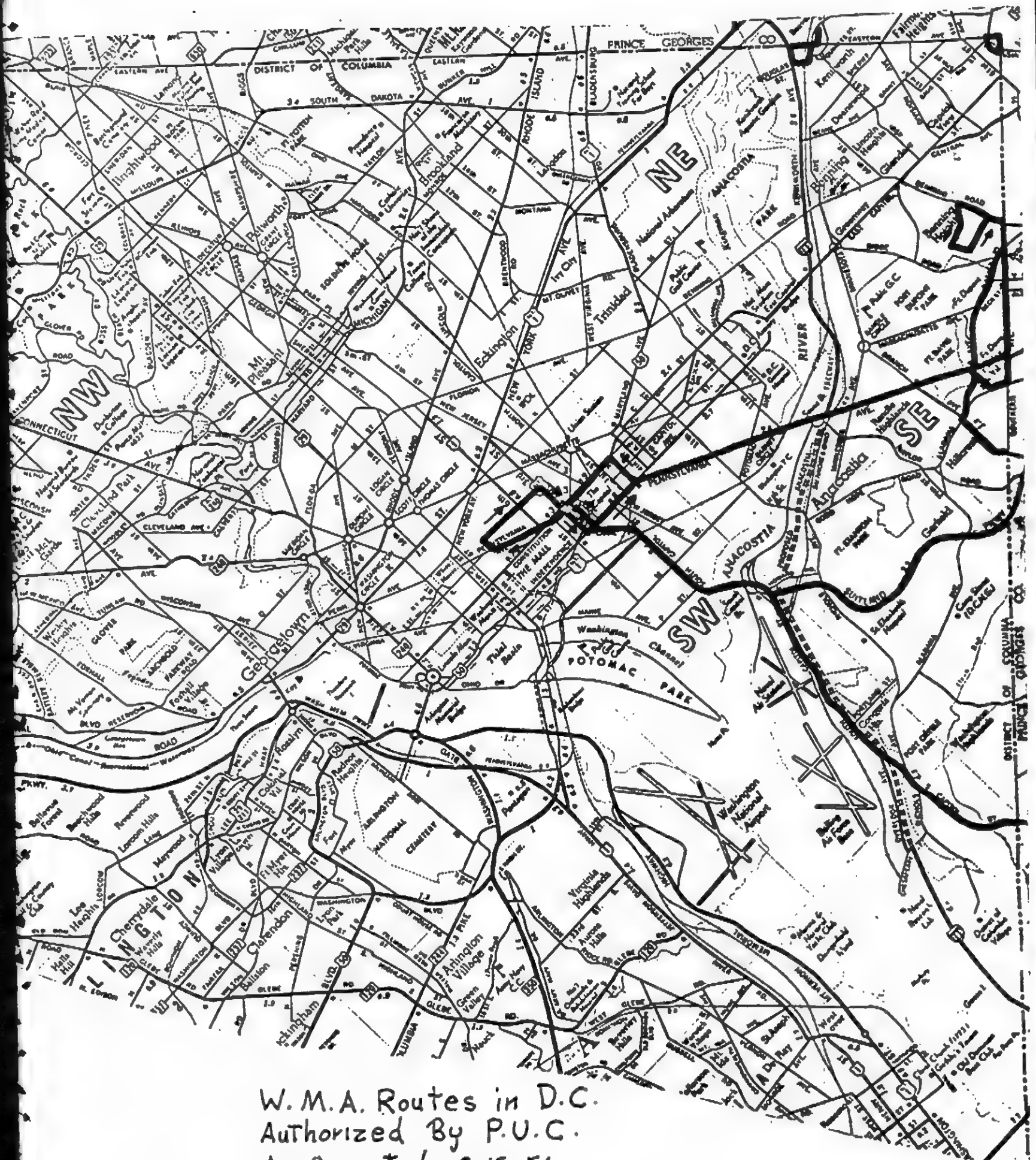


A.B. & W. Routes in D.C.  
Authorized By P.U.C.  
As Operated Aug. 15, 1956

[Exhibit 102]



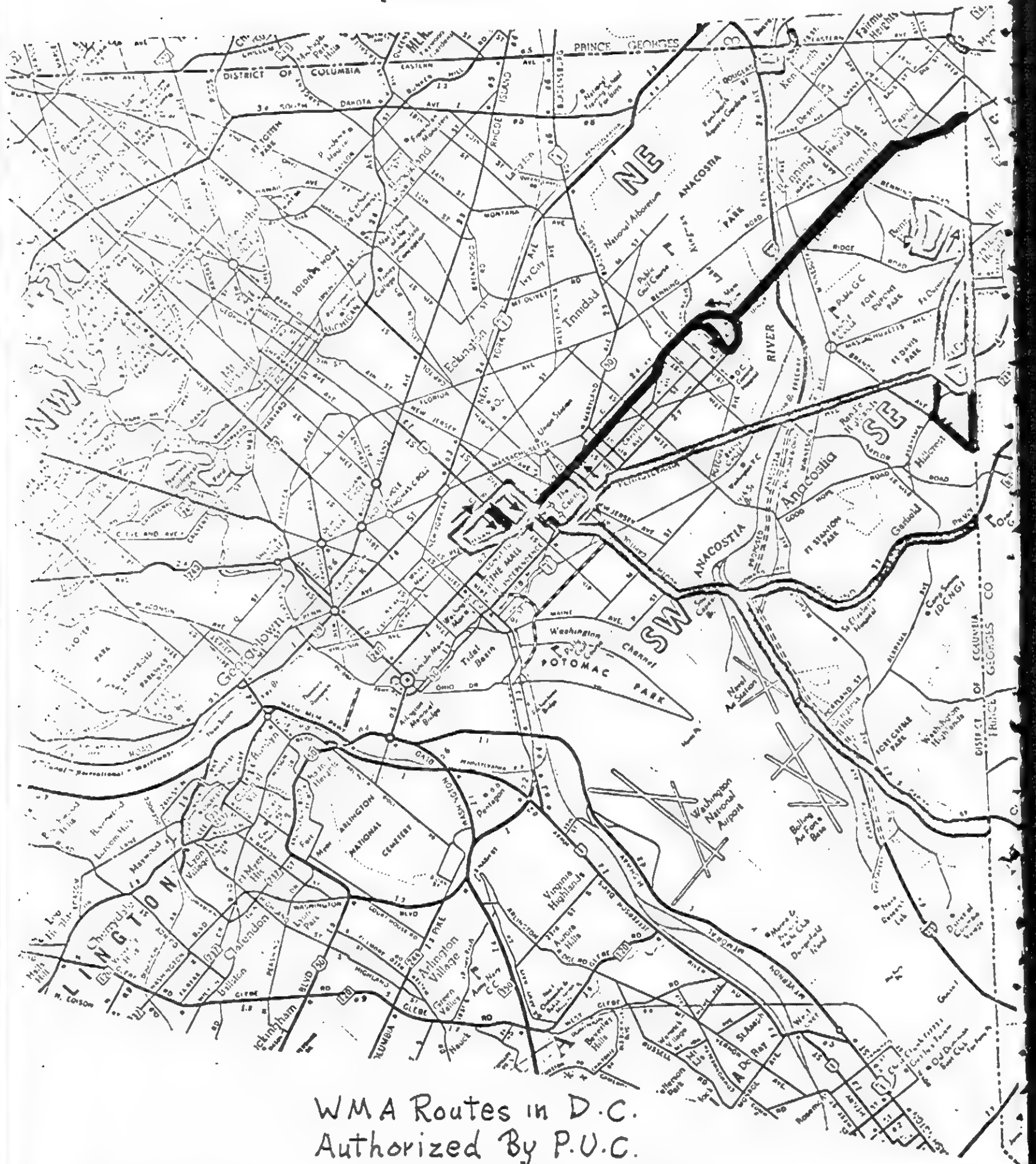




W.M.A. Routes in D.C.  
Authorized By P.U.C.  
As Operated 8-15-56



## [Exhibit 105]



WMA Routes in D.C.  
Authorized By P.U.C.  
As Operated Mar. 22, 1961

[Exhibit 116 \*]

#116

W H A T r a n s p o r t C o m p a n y P r o p o s e d T i m e T a b l e  
T O W A S H I N G T O N (18TH & L STS) 11:00 A.M. 11:00 A.M.

POINT OF ORIGIN	TIME	ROUTE	PASS SUITLAND	PASS BRAD. HTS.	PASS GLASSMANOR	PASS FFV	PASS 11 & PA.	ARRIVE 16 & L
Greenbelt	6:30am	R	-	-	-	-	7:20am	7:37am
Andrews AFB	6:27	J	-	6:57am	-	7:04am	7:28	7:45
Marlow Hts	6:37	D	-	-	7:06am	-	7:36	7:53
Farm War	6:47	K	-	-	-	7:13	7:37	7:54
Greenbelt	6:45	R	-	-	-	-	7:40	7:57
Marlow Hts	7:04	H-EXP	-	-	-	-	7:49	8:06
North For	7:05	B-EXP	-	-	-	-	7:50	8:07
Ritchie	7:00	J	-	7:22	-	7:29	7:54	8:11
PrGeoHosp	7:05	A-EXP	-	-	-	-	7:57	8:14
Greenbelt	7:08	R	-	-	-	-	8:05	8:22
Andrews AFB	6:59	K	-	-	-	7:41	8:06	8:23
Marlow Hts	7:08	D	-	-	7:37	-	8:07	8:24
North For	7:27	B-EXP	-	-	-	-	8:12	8:29
Ritchie	7:20	J	-	7:42	-	7:49	8:14	8:31
Temple Hls	7:26	H-EXP	-	-	-	-	8:16	8:33
PrGeoHosp	7:35	A-EXP	-	-	-	-	8:27	8:44
Andrews AFB	7:25	K	7:52	-	-	8:02	8:27	8:44
Ritchie	7:38	J	-	8:00	-	8:07	8:32	8:49
Marlow Hts	7:40	D	-	-	8:09am	-	8:36	8:53
Temple Hls	7:48	H-EXP	-	-	-	-	8:38	8:55
N A S A	7:42	R	-	-	-	-	8:40	8:57
Andrews AFB	7:53	K	8:18am	-	-	8:22	8:50	9:07
North For	8:10	B-EXP	-	-	-	-	8:55	9:12
PrGeoHosp	8:05	A-EXP	-	-	-	-	8:57	9:14
Temple Hls	8:10	H-EXP	-	-	-	-	8:58	9:15
Ritchie	8:15am	J	-	8:37am	-	8:40am	9:00am	9:17am

\*Exhibit 115, a folded road map, appended inside back cover

**WMAT Proposed Time Table cont'd**  
**FROM WASHINGTON (LPH & LOTS)**

LEAVE 18 & L	ROUTE	DEPT.	IN	P SS FFV	PASS CLASS/NOR	PASS BRAD.HTS.	SUB LATS	ARRIVE TIME
3:53pm	J	Ritchie		4:36pm	-	4:44pm	-	5:29
4:19	B-EXP	Temple Hls		-	-	-	-	5:40
4:21	K	Andrews AFB		5:04	-	-	5:14pm	5:40
4:23	J	Ritchie		5:06	-	5:14	-	5:40
4:23	D	Marlow Hts		-	5:10pm	-	-	5:40
4:25	B-EXP	Penn Mar		-	-	-	-	5:40
4:38	R	Greenbelt		-	-	-	-	5:40
4:48	J	Ritchie		5:31	-	5:39	-	5:40
4:48	B-EXP	Penn Mar		-	-	-	-	5:40
4:48	A-EXP	PrGeoHosp		-	-	-	-	5:40
4:48	D	Marlow Hts		-	5:35	-	-	5:40
4:53	B-EXP	Marlow Hts		-	-	-	-	5:40
4:57	K	Andrews AFB		5:40	-	-	5:50	5:40
5:04	R	Greenbelt		-	-	-	-	5:40
5:08	J	Ritchie		5:51	-	5:59	-	5:40
5:16	B-EXP	Penn Mar		-	-	-	-	5:40
5:16	D	Marlow Hts		-	6:05	-	-	5:40
5:21	A-EXP	PrGeoHosp		-	-	-	-	5:40
5:21	B-EXP	Temple Hls		-	-	-	-	5:40
5:21	R	N A B A		-	-	-	-	5:40
5:48	J	Ritchie		6:11	-	6:39	-	5:40
5:48	D	Marlow Hts		-	6:35pm	-	-	5:40
5:48	H-EXP	Temple Hls		-	-	-	-	5:40
5:49	K	Andrews AFB		6:32	-	-	6:42pm	5:40
5:53	A-EXP	PrGeoHosp		-	-	-	-	5:40
5:56	R	Greenbelt		-	-	-	-	5:40
6:01pm	J	Ritchie		6:38pm	-	6:43pm	-	5:40

## EXHIBIT #118

## W M A TRANSIT COMPANY

## Analysis of Costs to Extend to 18th and L Streets, N.W.

This company maintains detailed costs and breaks these costs down in the following categories:

Direct Costs - costs that vary directly in proportion to increases or decreases in bus hours operated.

Indirect Costs - costs that would be affected only by a substantial change in bus hours operated.

Fixed Costs - costs that would be incurred regardless of changes in bus hours operated.

During <sup>1964</sup>~~1965~~, this company's costs per driver pay hour were as follows:

Direct Costs	\$ 4.00
Indirect Costs	.50
Fixed Costs	<u>2.50</u>
Total Costs	\$ 7.00

Based on time checks taken, the average round trip time for each trip extended from 11th Street, N.W. to 18th and L Streets, N.W. and return would be approximately 35 minutes (average speed 4.8 miles per hour). Since 53 trips would be extended, the total additional minutes would be 1,855 or approximately 31 hours per day. Therefore, based on 255 days of operation annually, cost breakdown per year would be:

Direct Costs	\$31,620.00
Indirect Costs	3,953.00
Fixed Costs	<u>19,762.00</u>
Total Maximum Costs	\$55,335.00

It is our opinion that the direct costs and indirect costs, totalling \$35,-573.00, would be the maximum cost to operate the schedule mentioned since no change in fixed cost structure would be anticipated by the extension of routes.

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**PROCEEDINGS BEFORE THE WMATC**  
[Beginning June 22, 1965]

\* \* \*

**CHARLES W. OVERHOUSE**

\* \* \*

**DIRECT EXAMINATION**

**BY MR. CUNNINGHAM:**

\* \* \*

[10] Q. Mr. Overhouse, this report appears to be self-explanatory. Would you briefly describe its important points? A. Starting with page 1 is whether A. B. & W. Transit Company and WMA Transit Company operate far enough into the business district of Washington, D.C.

Studies made by the Commission's Engineering Department indicate that many of the present riders of A. B. & W. and WMA buses have destinations in Washington, D.C., which cannot be reached by a through bus.

It is my view the service should be as direct as possible without the necessity of changing buses. I advocate that direct service be operated from principal residential areas to the major commercial and governmental centers and that such service be operated by the carrier whose lines [11] operate through the principal residential areas.

At the bottom of page 1, I have indicated the purpose of the Report, which is to show the number of present bus patrons who would probably be benefitted by extending the bus routes of A. B. & W. and WMA to an area northwest of their present terminals.



At the top of page 2, I have given a brief description of the certificates held by A. B. & W. and WMA.

Q. Mr. Overhouse, do you have copies of the Certificate of Public Convenience and Necessity No. 11 issued by this Commission to A. B. & W. Transit Company? A. Yes, I have a few copies.

MR. CUNNINGHAM: Mr. Examiner, may I have Certificate No. 11 marked for identification as Exhibit No. 2?

MR. ISON: It will be so marked.

(The document referred to was marked Commission's Exhibit No. 2 for identification.)

BY MR. CUNNINGHAM:

Q. Mr. Overhouse, do you also have copies of Certificate of Public Convenience and Necessity No. 8? A. Yes. I think I only have three copies of Certificate No. 8.

MR. CUNNINGHAM: Mr. Examiner, may I have this marked for identification as Exhibit No. 3?

MR. ISON: You may.

[12] (The document referred to was marked Commission's Exhibit No. 3 for identification.)

MR. CUNNINGHAM: Off the record —

(Discussion off the record.)

BY MR. CUNNINGHAM:

Q. You may go on with your explanation, Mr. Overhouse, concerning the Report. A. As I have indicated, it is my view that direct bus service should be operated from the principal residential areas to the major commercial and governmental centers. The first determination was whether WMA and A. B. & W. transported their passengers direct to the District of Columbia's major commercial and governmental centers. This was determined by a survey, as follows:

On March 22, 1965, during the morning peak period, between approximately 6:00 a.m. and 9:30 a.m., the drivers of both WMA Transit Company and A. B. & W. Transit Company distributed to their inbound pa-

trons approximately 12,500 postal card questionnaires. A sample of the questionnaire is shown in Appendix I of the report. It is apparent that it is a simple origin-destination questionnaire. Approximately 6,000 of these cards were returned. However, some could not be used because they were illegible, ambiguous, blank, and so forth.

[13] MR. KAHN: Mr. Chairman, unless Mr. Overhouse is seeking to vary the testimony in his report, aren't we getting into repetitious testimony? I think the language is clear and concise in the Exhibit No. 1. And he is merely repeating what is already there.

MR. ISON: No, I don't believe he is quoting. I think he is probably explaining in a little more general manner what the report contains. And I don't think it is too much longer, is it, Mr. Overhouse?

THE WITNESS: No, it is not.

MR. ISON: Go ahead.

THE WITNESS: 5,166 cards were usable. The purpose of the survey was to determine the destinations of these inbound passengers. Of the 5,166 cards that we were able to use, we found that about 41 percent of the passengers represented by these cards were not being accommodated by a through bus to within three blocks of their destination.

Broken down by companies, we found that 39 percent of A. B. & W. passengers who ride on a normal weekday during the A.M. commute period were not being transported on a through bus to within three blocks of their destination, and that 52-1/2 percent of WMA passengers on a normal weekday during the A.M. commute period were not being transported to within three blocks of their destinations.

By extending the routes from the present terminals of these [14] companies to the vicinity of 18th and L Streets, N.W., we found that an additional 25.7 percent of A. B. & W.'s present patrons riding on a normal weekday during the A.M. commute period would have service — direct service within three blocks of their destination, and that an additional 37 percent of WMA patrons would have direct service within three blocks of their destinations.

BY MR. CUNNINGHAM:

Q. Mr. Overhouse, have you prepared charts which show the destinations of the passengers who returned the postal card questionnaires?

A. Yes. I have prepared two charts. One shows the destination of A. B. & W. passengers, and the other shows the destination of WMA passengers.

Q. Get out the A. B. & W. one first.

MR. CUNNINGHAM: Mr. Examiner, may I have this chart marked for identification as Exhibit No. 4?

MR. ISON: It will be so marked.

(The document referred to was marked Commission's Exhibit No. 4 for identification.)

MR. KAHN: Could we go off the record a moment, Mr. Chairman?

MR. ISON: Yes.

(Discussion off the record.)

BY MR. CUNNINGHAM:

[15] Q. Mr. Overhouse, in essence, what does this chart indicate?

A. The chart indicates that many passengers have destinations that are not within —

MR. KAHN: Just a moment. Let me look over the witness' shoulder. When he is talking about my client I want to know what he's going to say about him.

THE WITNESS: The charts show that many passengers have destinations that are not within three blocks of the present routes.

BY MR. CUNNINGHAM:

Q. Now, is this statement true also to the chart relating to the WMA Transit Company? A. Yes, it is.

MR. CUNNINGHAM: Mr. Examiner, may I have this chart marked for identification as Exhibit No. 5?

MR. ISON: It will be so marked.

(The document referred to was marked Commission's Exhibit No. 5 for identification.)

BY MR. CUNNINGHAM:

Q. Does each one of the hash marks on these charts, Mr. Overhouse, indicate a tally or the receipt of one of the questionnaire cards?

A. That is true.

Q. Mr. Overhouse, is it your view that these passengers [16] who presently do not have service within three blocks of the bus routes will have better service if the bus routes are extended from their present terminal locations to the vicinity of 18th and L Streets, Northwest? A. Yes. If the present routes are extended to the vicinity of 18th and L Streets, Northwest, an additional 25.7 percent of A. B. & W.'s patrons and an additional 37 percent of WMA's patrons will have service of these companies within three blocks of their destinations.

Q. Now, you have indicated certain streets that the buses should or would operate over on the proposed extension. Is this routing firm, or are you presently working with the D.C. Highway Department to determine exactly which streets should or would be used? A. The routing described in the Report is tentative. My engineers are working with the D.C. Highway Department engineers on the best streets to be used, to determine whether exclusive bus lanes are required, and to determine the best location for recovery and layover time.

Q. Why was a survey made of inbound passengers only? A. Well, as I have indicated previously, we wanted to determine whether these passengers were being transported direct to their destinations in the District of Columbia. One way of making this determination was by making a survey of inbound passengers.

[17] Q. Is there any competitive or duplicative service with D.C. Transit or other common carriers? A. I haven't made any study concerning the competitive and duplicative service of D.C. Transit or other carriers. It is my opinion that the interstate services of WMA and A. B. & W. are not similar to the local services provided by D.C. Transit within the business district of the District of Columbia. A. B. & W. and

WMA provide interstate service between their respective areas in Virginia and Maryland on the one hand, and the central business district of the District of Columbia on the other. These companies — that is A. B. & W. and WMA — cannot both pick up and discharge passengers within the business district. However, D.C. Transit has authority to both pick up and discharge passengers in the District of Columbia.

D. C. Transit has no authority to operate interstate regular route bus service from the area served by A. B. & W. and WMA to the district of Columbia. In other words, D.C. Transit provides a local service in the District of Columbia and WMA and A. B. & W. provide an interstate bus service: Two distinct types of services.

Q. Now, in making this comparison, you recognize, of course, that Transit provides an interstate service from the District to other areas in the metropolitan area? A. Yes. I emphasized that they do not provide interstate [18] service from the areas of these two carriers involved, A. B. & W. and WMA.

Q. Mr. Overhouse, is it possible that there will be more buses in the downtown area to add to traffic congestion? A. Yes, there will be more buses uptown — and I say uptown, around 17th and K, 18th and L Streets. But if people leave their cars at home and ride the buses, it will relieve the automobile traffic congestion. I am sure that this will actually be the case.

Q. Mr. Overhouse, where will these buses wait in the P.M. rush hour? A. This has not definitely been determined as yet. My engineers are working with the Highway Department to try to locate adequate terminal areas.

Q. Mr. Overhouse, does your Report indicate the percentage of these companies' present patrons that would be benefitted by an extension of service to the vicinity of 18th & L Streets, Northwest? A. Yes. The Report shows that a substantial number of present patrons would be benefitted by such an extension. It is my opinion that the Commission should find that the percentage of present patrons who would be bene-



fitted warrants a finding that public convenience and necessity require an extension of service to the vicinity of 18th and L Streets, Northwest.

[19] Q. Mr. Overhouse, are you familiar with Section 4(e), Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact? A. Yes. It is shown in Appendix II of the Report.

Q. Is it your view that these carriers have authority to transport interstate passengers between —

MR. SIMS: Objection, Mr. Examiner.

MR. KAHN: I object. Mr. Overhouse's qualifications did not include any legal training, and this calls for a legal conclusion of a Compact between the Federal Government and Virginia and the State of Maryland. I don't know why his opinion as a layman would be controlling in this type of proceeding.

MR. SIMS: I join in that objection, Mr. Examiner.

MR. CUNNINGHAM: Mr. Examiner, it is not a question of whether his opinion would be controlling, but what his opinion is. Most certainly the question of what the section means and how it applies is an ultimate conclusion that must be drawn and decided by the Commission. I know of no rule of law which precludes any witness from testifying as to his opinion as to how a law should read — as to how a law should be interpreted. This <sup>is</sup> ~~is~~ a very standard thing. We have it going on daily in all our courts.

MR. KAHN: I would like to respectfully disagree with [20] the General Counsel. The purpose of the hearing is to have material and relevant evidence. We are not interested here in Mr. Overhouse's personal opinion as to what he feels the Compact may or may not provide.

MR. ISON: I assume, Mr. Kahn, that Mr. Overhouse used his opinion as to what the Compact means as a basis for his investigation. I am going to let him answer.

MR. DAVIS: May I note my objection, sir, too?

MR. ISON: Yes.

MR. CUNNINGHAM: Would you repeat the question, please?

(Question read.)

BY MR. CUNNINGHAM:

Q. — between their respective areas in Maryland and Virginia and any point in Washington, D.C.? A. I cannot find anywhere in the certificates where the companies are restricted to a specific point in their operations in Washington, D.C. Without such restrictions, I conclude that the companies have authority to transport interstate passengers between their respective areas in Maryland and Virginia to any point in Washington, D.C.

Q. Mr. Overhouse, is it your view that A. B. & W., for example, could move its terminal from 12th and Pennsylvania to some other location if that is where the passengers wish to go? A. Yes. This is one of the advantages of a flexible [21] bus system.

Q. How does the Commission exercise control over which streets the companies may operate in Washington, D.C.? A. If any of the four regular route bus companies wish to change their routes in Washington, D.C., they apply to the Commission. If it appears in the public interest, their request is granted in the form of a route authorization. Many route authorizations have been issued to D.C. Transit. When the 12th Street Expressway was completed, A. B. & W. was granted authority to operate over this route, over the 12th Street Expressway, by route authorization.

Q. Then is it your view that the Commission need not issue certificates of public convenience and necessity to extend A. B. & W. and WMA service to the vicinity of 18th and L Streets, but that these companies already have this authority, subject to Commission approval?

MR. KAHN: I have the same objection to that question as I had to the earlier question.

MR. ISON: The objection will be noted.

MR. DAVIS: I would like to note my objection also, sir.

MR. ISON: Right. Go ahead and answer.

THE WITNESS: Yes. The certificates read between Washington,

D.C., and points in Maryland and Virginia. 18th and L Streets, Northwest, is in Washington, D.C.

[22] Q. Mr. Overhouse, you suggest, then, that the extension be authorized through route authorization the same as other route changes have been made in Washington, D.C.? A. Yes.

Q. Mr. Overhouse, does your study indicate which routes of A. B. & W. and WMA should be extended? A. No. With the limited time and staff available, our study was made to determine whether there was a need for a route extension. If the Commission finds that an extension is required, the postal card questionnaires used in the survey are available and the companies may determine through an analysis of these cards which routes should be extended and the approximate times the buses should operate.

Q. As I understand the table at the top of page 4 of your report, between the hours of approximately 6:00 a.m. and 9:30 a.m. on a normal weekday, at least 1110 patrons of A. B. & W.— which I understand is approximately 25 percent of those surveyed — and 303 patrons of WMA — which I understand is approximately 37 percent of those surveyed — have destinations within three blocks of a route which you propose to be extended from the carriers' present terminals to the vicinity of 18th and L Streets, Northwest. Is that a correct understanding? A. That is correct, sir.

Q. All right. Now, is it because of this that you [23] recommend that the service of the two companies be extended? A. Yes, because of this.

Q. In your opinion, is this the minimum number of people that should or will utilize the extended service? A. Yes.

Q. Is it your opinion that this service — strike that, please. Should this service attract present automobile riders? A. I am convinced that the extended service will attract many people who now use other kinds of transportation.

Q. Mr. Overhouse, won't such an extension increase the cost of operation? A. Yes, somewhat, I believe it will. There are many improvements in bus service that increase the cost of operation; for example, air-conditioned buses cost more to operate than non-air-conditioned buses. It costs more to conduct a bus operation if it operates within a prescribed load standard than if the buses were loaded to the maximum capacity. But by operating air-conditioned buses and by operating within a reasonable load standard, a reasonable standard of service is provided. By extending their services from the present terminals to the vicinity of 18th and L Streets, Northwest, I am convinced that a better standard of service will be provided by A. B. & W. and WMA for their patrons.

[24] In my opinion, the better standard of service justifies any additional cost involved. I personally know that I would have continued to use the service in 1961 had A. B. & W. provided through service to my downtown destination.

Q. Mr. Overhouse, have you attempted to determine the additional cost? A. No, I haven't, because I haven't determined the amount of service that should be operated. Very little additional cost would be incurred by those buses which make one trip to Washington, D.C., and then return to the garage in the A.M. commute period, or which come from the garage to commence service in Washington, D.C., during the P.M. commute period. Under such circumstances, it is unlikely that additional vehicles would be required.

The main reason that I haven't gone into costs and revenue is that I base the need for the extended service solely on the fact that the survey indicated that during a three and one-half hour period, approximately 1100 present A. B. & W. and 300 present WMA passengers who returned the card questionnaire would have through service within three blocks of their destinations. In my opinion, this indicates a public need for such through service.

Q. Mr. Overhouse, will you briefly summarize the important points concerning this matter now before the Commission? A. Yes.

[25] 1. It is my view that A. B. & W. and WMA possess certificates of public convenience and necessity for the transportation of passengers between their respective areas in Virginia and Maryland on the one hand, and the District of Columbia on the other.

2. That these companies are not restricted to their present terminals in the District of Columbia, but must adjust their routes in the District of Columbia in accordance with public convenience and necessity.

3. That the survey conducted by the Engineering Department shows that approximately 1400 of the companies' present patrons who returned the card questionnaires and who ride between approximately 6:00 a.m. and 9:30 a.m. on weekdays would have through bus service within three blocks of their destinations if the routes were extended to the vicinity of 18th and L Streets, Northwest.

4. That public convenience and necessity require the extension based on the present number of passengers who would have closer through bus service available to them.

5. That no certificates need be issued to WMA and A. B. & W., and therefore, the portion of Section 4(e), Article XII, Title II of the Regulation Compact which states in part, "provided, however, that no certificate shall be issued to operate over the routes of any holder of a certificate until it shall be proved to the satisfaction of the [26] Commission after hearing, upon reasonable notice, that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience," — end of quote — is not relevant. As I mentioned in Item 1, it is my view that A.B. & W. and WMA are holders of certificates for this service.

6. That the Commission has the authority to require A. B. & W. and WMA to extend their existing services under that part of Section 4(e), Article XII, Title II of the Regulation Company which states, in part:



"The Commission may, if it finds that the public convenience and necessity so require, require any person subject to this Act to extend any existing service or provide any additional routes within the Metropolitan District."

MR. CUNNINGHAM: If the Examiner please, I would like to make a special request at this time that cross-examination of Mr. Overhouse be deferred until I put on another witness. This gentleman has to leave to attend the funeral of his secretary, and I would appreciate the indulgence of all concerned.

MR. ISON: Is there any objection?

MR. KAHN: Who is the individual?

MR. CUNNINGHAM: Mr. Paul Foreman.

MR. KAHN: I mean is he a member of the public?

MR. CUNNINGHAM: Yes. He works for the General Services [27] Administration.

MR. SIMS: Mr. Examiner, may we go off the record?

MR. ISON: Right.

(Discussion off the record.)

(Witness temporarily excused.)

MR. ISON: Come ahead, Mr. Foreman.

~~Whereupon,~~

PAUL W. FOREMAN

\* \* \*

#### DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. State your name and occupation? A. My name is Paul W. Foreman. I am the Defense Coordinator for the General Services Administration, and handle such management problems as are assigned by other agencies and by the Administrator.

Q. Have your duties over the past few years involved transporta-

tion in and as that transportation relates to Federal employees? A. Yes, it did. In 1961 I was appointed Chairman of a task force to explore and come up with recommendations on employee parking. Now as part of this task it was necessary to promote improvements in public transportation, and to complete this [28] part of the task, it was necessary, among other things, to determine the modes of transportation of Federal and D.C. employees that were used to and from work.

Q. As a result of this, did you make in 1961 and 1962 certain surveys, Mr. Foreman? A. Yes, I did. I made some surveys which are in our first volume of the report — it is entitled "Improvements in Public Transport," which had wide distribution at the time to all the major transit companies and to the Commission as well.

Q. Have you had prepared a map of the downtown Washington area? A. I did.

MR. CUNNINGHAM: Mr. Examiner, I ask that this map be marked for identification as Exhibit No. 6.

MR. ISON: It will be so marked.

(The document referred to was marked Commission's Exhibit No. 6 for identification.)

BY MR. CUNNINGHAM:

Q. Mr. Foreman, will you explain the heavy lines and the numbers appearing on this map? A. Yes. We divided the city for the purposes of the study into eight zones, and we called these destination zones. In addition to that, if you look real closely at the maps you will [29] see some dotted lines. These were sub-zones within a particular zone.

Q. Mr. Foreman, have you developed data relating to the number of Federal and District of Columbia employees located in those zones in 1962? A. Yes, I have.

Q. Would you relate them as you found them to appear in the zones? A. All right. In Zone 1 — that is clearly shown on the map — 22,425. Zone 2, 9,614. Zone 3, 3,214. Zone 4, 20,249. Zone 5, 18,334. Zone 6, 25,089. Zone 7, 12,977. Zone 8, 14,595.

Q. Mr. Foreman, subsequently have you developed corresponding data as they relate to the number of Federal and District of Columbia employees located in these zones in 1965? A. As of March 1st, 1965, I have similar statistics.

Q. All right. Will you give us those numbers, please? A. In Zone 1, 29,008. Zone 2, 17,223. Zone 3, 2,908. [30] Zone 4, 21,571. Zone 5, 14,189. Zone 6, 20,409. Zone 7, 11,773. And Zone 8, 20,892.

Q. Now, these figures indicate that in an approximately three-year period there has been an increase of approximately 6500 people in Zone 1, and an increase of approximately 8000 in Zone 2. Have you been able to pinpoint or narrow down the location within Zones 1 and 2 of where these additional employees are located? A. Well, it is obvious that — if you look at the buildings along Constitution Avenue in Zone 1, it is obvious that these buildings were filled in 1962. The additional space that GSA acquired for Federal and D.C. employees is primarily leased space in this particular zone with the exception of one new building which GSA constructed. That is the Civil Service Building at 19th and New York Avenue. The same condition is true in Zone 2. Now you will note in some areas we have lost employees.

For example, in Zone 5, you remember there were a lot of temporary buildings back of the Navy Department, and they are shown on the map. These are no longer there. They have been torn down. Now these employees — the bulk of these employees [31] have been put in leased space in other zones. And we pointed out the big increases in Zones 1 and 2.

Q. Mr. Foreman, during your 1962 survey did you conduct a so-called opinion survey as to what type of service the employees told you they desired to have? A. Yes, we conducted an opinion survey.

MR. KAHN: Could we have an identification on the record of the volume to which the witness is referring?

THE WITNESS: Yes. The title of it is "A Federal Employee Park-

ing and Transportation Survey, Washington Metropolitan Area, Volume No. 1, Improvements in Public Transportation."

MR. KAHN: Who issued it?

THE WITNESS: Issued by the General Services Administration, 1962.

MR. KAHN: Thank you, sir.

THE WITNESS: I developed a table on these opinions that we secured from employees, and I would like to read you or quote you this part from the Volume I.

"The following table shows the reasons why Federal and D.C. Government employees who could get to work by bus do not use public transportation. Most of the employees participating in the survey checked more than one reason for not using transit lines.

"It takes over 50 minutes for one-way trip" — and the number of replies to this was 22,030.

[32] "Poor bus schedules, 19,099.

"Two fares each way, 14,870.

"No shelter at bus stops, 19,099.

"No seats on buses, 19,012.

"Too far to bus stop, 10,796."

The survey also showed that 16,134 automobile drivers and riders would be willing to ride buses if direct service were made available.

BY MR. CUNNINGHAM:

Q. Mr. Foreman, in 1961 did you make an attempt to determine the number of Federal and D.C. employees travelling from the corridor consisting of the city of Alexandria and portions of Arlington and Fairfax County to the eight zones in downtown Washington? A. Yes, we did. We found that of the 5,483 Federal and D.C. employees travelling from the corridor consisting of Alexandria and portions of Arlington and Fairfax County to the eight zones in downtown Washington, that of this total, 2,611 employees used public transportation, and their destinations were as follows:

Zone 1, 385. Zone 2, 197. Zone 3, 55. Zone 4, 115. Zone 5, 703. [33]  
Zone 6, 734. Zone 7, 317. Zone 8, 105.

Q. Mr. Foreman, did you make a corresponding study of the patrons served by the WMA Transit Company for that same period? A. Yes, we did. We found that 5,395 Federal and D.C. employees lived in the area served by WMA. Now out of this total, 1,110 used public transportation, and their destinations were as follows: Zone 1, 111. Zone 2, 115. Zone 3, 29. Zone 4, 153. Zone 5, 141. Zone 6, 420. Zone 7, 62. And Zone 8, 79.

Q. Mr. Foreman, is it your opinion, if this proposal of the Engineering Department of the Staff to extend the routes of the two bus companies up to the vicinity of 18th and L Streets, Northwest, was in fact consummated by the Commission and authorized and required, that a large number of these people who obviously do not use public transportation will in fact turn to it and use it? [34] A. Well, I think the Federal employee, the same as an employee outside of Government, is looking primarily for door-to-door service, and if he obtains this service he would use the bus rather than use his car. I certainly would, I know, in my own case.

MR. CUNNINGHAM: That is all I have of this witness, Mr. Examiner.

MR. ISON: Thank you.

MR. CUNNINGHAM: I would request at this time that Mr. Foreman be excused subject to cross-examination at a later time.

MR. ISON: At a later date. All right. Thank you very much, Mr. Foreman.

(Witness excused.)

MR. ISON: Let's take a five-minute recess.

(Short recess taken.)

MR. ISON: Gentlemen, the staff has I think two more witnesses whose testimony will be very short. Is there any objection if we get them out of the way before we cross-examine Mr. Overhouse?



MR. KAMEROW: No objection.

MR. KAHN: I would object. I understand that the witnesses are available, and I would like the opportunity to cross-examine Mr. Overhouse.

\* \* \*

[38]

CHARLES W. OVERHOUSE

\* \* \*

[39]

CROSS EXAMINATION

BY MR. KAHN:

\* \* \*

Q. Is this the study, Exhibit 1, that you turned in to the Commission prior to the issuance of Order No. 482? [40] A. This is the report of the study, yes.

Q. Well, was the report prior to the issuance of Order 482 an oral report? A. It was a recommendation, yes.

Q. Was it in writing? A. No, it wasn't in writing.

Q. In other words, you orally suggested to this Commission as its Chief Engineer that this Commission require A. B. & W. and WMA to extend its lines? A. Yes.

Q. And as a result of your oral recommendation the Commission issued the order? A. Yes, the order of investigation.

Q. Now, there has been another order entered in this case, Mr. Overhouse, an Order No. 492, Docket No. 91. Do you have that, sir? A. No, I don't.

Q. Well, I have a copy if — A. I now have it before me.

Q. Would you look at the — I assume it is the second paragraph of Order 492. And it says: "The Commission ordered a hearing in connection with a recommendation of the Engineering Staff of the Commission that routes of WMA Transit and A. B. & W. be extended." A. Yes.

\* \* \*

[45] Q. Did you indicate to him that you were going to recommend

to this Commission that the route be established which is set out in your Exhibit No. 1? A. I explained to him that was a tentative routing; that certainly it was not a firm routing; that after the Highway Department and our engineers got together I'm sure we could work out a satisfactory routing. And he agreed that certainly that could be worked out.

Q. What do you mean by "tentative routing," Mr. Overhouse? A. Well, the routing that I have in this report is not a firm recommendation. It is merely a tentative routing as I have indicated in my testimony. I think you will find that I have said that this was a tentative routing and not a firm routing. We are at the present time trying to work out a firm routing with the Traffic and Highway Department.

Q. Isn't the standard of service which you have used throughout Exhibit 1 the existence of the place of employment within three blocks of a route? A. Yes.

Q. If this route that is set out in Exhibit 1 is not the route, then doesn't all of your computations follow, Mr. Overhouse? A. There could be some variations, yes. In other words, [46] you might drop some passengers here and pick them up over there.

\* \* \*

[47]Q. Well, I don't want to labor the question, Mr. Overhouse, but you say if this tentative routing is approved; and you also have already indicated that there are already discussions for a different route other than that set out in Exhibit 1, isn't that true? [48] A. Well, the routing is not firm. This route may be established, I don't know. I don't think it will be, but I don't know. This is merely a tentative routing.

Q. I see. After the Commission acted on your oral recommendation, Mr. Overhouse, in May, 1965, were you issued any directions by the Commission or its Executive Director with respect to any survey or report? A. No.

Q. Was the preparation of Exhibit 1 then your decision? A. Absolutely.

Q. I see. Would you explain to this record the preparation of the postcard which has been identified as Appendix I in Exhibit 1; and initially I will ask you whether you prepared such postcard? A. Yes.

Q. Did you consult with A. B. & W. Transit Company with respect to the wording or the information to be shown on the postcard? A. Yes.

Q. Did they make any recommendation to you? A. I don't recall of any recommendations.

Q. This card was also used to survey WMA, was it not? A. Correct.

[49] Q. Was it referred to them for comment? A. Yes.

Q. Did they make any recommendations? A. As I recall, WMA suggested that perhaps we should have some more questions on it, but I felt that we shouldn't.

Q. You rejected the suggestions? A. Yes.

Q. So that the card represents your approach to surveying the operations of A. B. & W. and WMA; is that correct? A. Yes, that is correct.

Q. All right. How were these cards distributed on the facilities of A. B. & W.? A. They were distributed by the drivers of the buses coming into Washington, D.C.

Q. Did you instruct the drivers of A. B. & W. Transit Company how to distribute the cards? A. Did I personally instruct the drivers?

Q. Or did you issue any written instructions? A. No, there were no written instructions from our Commission.

Q. Well, tell us in some detail how the distribution was accomplished. A. Well, as far as A. B. & W. —

Q. Yes, sir. [50] A. My engineers worked with the representative of A. B. & W., Mr. Dick Lawson, who issued written instructions to his drivers on how the cards should be distributed.

Q. So A. B. & W. issued instructions to its drivers. A. Right.

Q. Did you see those instructions? A. Yes.

Q. Did you approve them? A. Yes.

Q. Now, for the record, how were the cards distributed? A. They were distributed to passengers whose destination was the District of Columbia.

Q. Well, that's rather general. Specifically, if you know, were a group of cards turned over to a driver? A. Yes, the cards were turned over to a driver and as a passenger got on and paid his fare, he was issued a card.

Q. Well, since you are the Chief Engineer, you recognize that in the rush hour there are a number of standees, isn't that true? A. Yes.

Q. Were the cards distributed in the Commonwealth of Virginia? A. Yes.

Q. You recognize that A. B. & W. does an intrastate business over its interstate routes; isn't that true? [51] A. That's true.

Q. How many cards did you decide ought to be given to each driver? A. Well, that decision was made by A. B. & W. We discussed this matter with Mr. Lawson, and he determined about how many cards should be issued for each bus operating into the District of Columbia, which was approved by me.

Q. Well, we are talking about surveys and you are talking about statistics. I am trying to get out the method in which you allegedly sampled the public. Do you know how many cards were given to any particular driver? A. I wouldn't know exactly how many cards were given to each driver. As I understand it, some of them were given more and some less, depending upon the load coming into the District of Columbia and the experience of Mr. Lawson in connection with that load.

Q. Well, again I have to ask you: Do you know? A. No, I don't know how many cards were issued to each driver.

Q. All right, sir. Now, did you have any employee or representative ride any of the vehicles of A. B. & W. to determine whether or not the drivers were in fact handing out the cards? A. I did not.

[52] Q. Is it conceivable that some of the drivers may not have ever distributed some of the cards? A. It's possible.

Q. Now, you used the figure 12,000 as being the number of total cards used for WMA and A. B. & W.; is that correct? A. I thought it was 12,500. Just a minute.

Q. Approximately 12,500? A. I used 12,500, Mr. Kahn.

Q. Right. Now, you gave, I conclude, approximately 11,000 cards to Mr. Lawson. Is that true? A. We may have given more than 11,000 to Mr. Lawson. I don't recall. But it was at least 11,000 that we gave to Mr. Lawson.

Q. I see. Now, if you know, how many persons during the A.M. commute period that you refer to are transported by A. B. & W. from points and places in Virginia to the District of Columbia? A. I have that information. I don't know. I couldn't give it to you right now. We just completed a survey of the number of passengers transported from Virginia to the District of Columbia. But I don't have that figure right here at this time.

Q. Well, since you conducted this survey, did you intend that each passenger would normally receive a card? [53] A. Yes.

Q. Then it would have been only 11,000 people; is that true? A. I would imagine that was it. As I say, this figure — I got this from Mr. Lawson, how many passengers he thought would come across into the District of Columbia. I said "How many cards do you need to give one to each passenger coming into the District of Columbia?" and he told my engineer and my engineer supplied him with the cards, Mr. Kahn.

Q. Then it was the purpose of this survey as you set it up to give to each passenger that A. B. & W. transports in the A.M. into the District of Columbia; is that correct? A. That is correct. That is correct.

Q. And your engineer and your department were satisfied since you were conducting the survey that 11,000 would have covered all of the passengers of A. B. & W.? A. I am not saying that, Mr. Kahn. I don't know. We probably gave them more than 11,000. I'll give you the exact figure that we gave to Mr. Lawson if you would like it. I know



that 11,000 were distributed, but I do know that we gave more than 11,000. I can give you the exact figure if you wish it.

Q. Well, are you drawing a distinction between the cards that were given to Mr. Lawson and those that were ~~distributed~~ <sup>distributed?</sup> [54] A. I am not drawing any distinctions, no.

Q. Then why — A. I thought that was your question: How many cards were given for distribution.

Q. Well, I'm looking at page 2 of Exhibit 1, and you say that 11,000 were distributed to A. B. & W., and you keep referring to additional cards. Who had the additional cards? A. A.B.&W.

Q. And they didn't distribute them? A. I don't know. I know 11,000 were distributed.

Q. Then why did you give them additional cards? A. To cover all of the inbound passengers. Now 11,000 were distributed. Now some of the cards were not distributed. They had some left over. We had plenty of cards to take care of every passenger on the inbound trip; every bus had sufficient cards to take care of every inbound passenger to the District of Columbia. And after it was all distributed, we made a tally and 11,000 were issued.

Q. You keep saying "We do this" and "We do." Whom do you mean? You and your Staff? A. Well, the drivers of A. B. & W. distributed the cards.

Q. Well, I've asked you — you deal in very broad generalities, Mr. Overhouse. I asked you: Did you make any check yourself or your department —

MR. CUNNINGHAM: Excuse me, counsel. I would object to [55] the statement "dealing in very broad generalities," and request that that be stricken from the record. There is no basis for that statement at all.

MR. KAHN: I think there is.

MR. ISON: I think he has been very specifically answering your questions.

MR. KAHN: The record will show what the question is and the record will show the answer.

BY MR. KAHN:

Q. Now I am asking you, Mr. Overhouse —

MR. CUNNINGHAM: May I have a ruling on my motion, Mr. Examiner?

MR. ISON: It will remain in the record.

BY MR. KAHN:

Q. I am asking you: Did your staff or yourself make a check to determine whether or not any bus driver of A. B. & W. actually physically delivered a card to each patron of the bus company on the morning that the check was conducted? A. No, I did not. And I don't know whether my staff did. I don't think that they made any physical check to see that drivers were issuing the card to each passenger boarding the inbound bus.

Q. Did it concern you that more than fifty percent of the cards were not returned? A. No.

[56] Q. What conclusion did you draw from that fact? A. I thought that the return was very good.

Q. Then you as an engineer drew no conclusion from the fact that more than fifty percent of the cards that were distributed were not returned to you?

THE WITNESS: May I have that question, please?

(Question read.)

THE WITNESS: I think I indicated my opinion that the returns were very good. And if fifty percent were not returned, I thought the fifty percent return was very good.

BY MR. KAHN:

Q. Was it reasonable to believe that the people who did not return the card were satisfied with the services of A. B. & W.? A. I didn't draw any conclusions as to the — what the desires were of those people who did not return the cards.

Q. I see. All right. Now, so that we can get some comparison with the statistical information that you represented to the Commission, I want you to tell me at this time and at this place in the record what your staff and yourself believe to be the number of passengers normally and customarily transported by A. B. & W. from points and places along its routes in the Commonwealth of Virginia to the District of Columbia on a weekday during the A.M. [57] A. I don't have that information right now. We have to determine it.

\* \* \*

[59] BY MR. KAHN:

Q. All right. A. You kept asking me questions, how much do I think, and I said I don't know.

Q. All right. Then I'm trying to determine, Mr. Overhouse, what proportion of the traffic of A. B. & W. did you attempt to sample on your engineering check? A. I tried to sample everyone coming into the District of Columbia. One hundred percent of them is what I tried to sample.

Q. And you feel that you could as an engineer do that when you didn't know approximately the number of people who were riding? A. I don't have that figure right now, and if you will give me a chance, I've told you time and time again, Mr. Kahn, I'll get that figure if you will excuse me a minute.

Q. I'll be delighted. I mean I'll ask for a recess for five minutes for that purpose.

MR. ISON: All right. Five-minute recess.

(Short recess taken.)

BY MR. KAHN:

Q. Mr. Overhouse, during the recess have you determined the view of the engineering staff as to the number of people [60] transported by A. B. & W. during the A.M. commute period into the District of Columbia? A. Well, I don't know what you mean by the "A.M. commute period," but I have determined the number of passengers that would be

transported into the District of Columbia during the period of this survey. Now I would have to go through the mechanics, Mr. Kahn, just how this distribution was made, so it would clear it up in your mind.

Q. Well, would you answer — A. If you clear it up it may answer the question in the meantime. Let's not delay the hearing unnecessarily by being too technical. Let's let him explain what he gathered from the five-minute recess we just took.

MR. KAHN: Mr. Chairman, I think I am entitled to an answer. I have no objection to his explaining his answer, but it is a very simple question, did he determine it or didn't he.

THE WITNESS: Yes; during the period of the survey it was determined that approximately 11,000 passengers were transported from Virginia to the District of Columbia by A. B. & W.

Now I think you also asked previously how many cards were given to Mr. Lawson to have distributed, and there were 16,000 cards given to Mr. Lawson, and 11,000 of those cards were distributed.

Mr. Lawson felt that there were about 11,000 passengers [61] involved, but so he could have enough cards to cover everybody, we gave him 16,000.

BY MR. KAHN:

Q. All right. Now, any other testimony, prior testimony inconsistent with what you have given us now is governed by these two figures?

A. These are the figures.

Q. Right. Then we start with the premise that your Engineering Department is of the opinion that there were approximately 11,000 passengers transported by A. B. & W. from Virginia to the District of Columbia during the A.M. commute period? A. During the period of the survey.

Q. Yes. Now, for the record, what was the period of the survey?

A. From approximately 6 a.m. to 9:30 a.m.

Q. You say "approximately." A. Yes.

Q. I have information it was from 6:30 a.m. to 9:30 a.m. A. It's true that as far as A. B. & W. is concerned, some of the — the card survey wasn't distributed until 6:30 a.m., yes.

Q. So far as A.B. & W., the survey period was from 6:30 to 9:30 a.m.? [62] A. That is correct, yes.

Q. All right. Now, the intelligible cards that were used in your survey were 4,336 cards; is that correct? A. That is correct.

Q. And as I understand, you have drawn no conclusion from the fact that 5,934 people did not return cards?

MR. CUNNINGHAM: Object, Mr. Examiner. This is the third time this question has been asked. I believe it is repetitious.

MR. ISON: He has answered that question, Mr. Kahn.

MR. KAHN: Well, he answered other questions before, too, and changed his answers.

MR. CUNNINGHAM: I move to strike that statement from the record.

MR. KAHN: I don't understand why. The record —

MR. ISON: Gentlemen, he answered the question. He says he drew no conclusions from the number of cards that didn't —

MR. KAHN: I want the figure in the record. This is the first time that I computed the figure and I wanted to know if the witness agrees with it, sir.

BY MR. KAHN:

Q. The question is, did you conclude that 5,934 cards were not returned? A. That is true.

[63] Q. Look at page 2 of your exhibit, sir. The last paragraph says approximately 6,000 cards were returned. A. Right.

Q. How many of that 6,000 were returned from patrons of A. B. & W., if you know? A. 4,366 cards of A. B. & W. were usable.

Q. I read that figure, Mr. Overhouse. But you have told us in Exhibit 1 that you had to discard 934 cards because they were non-usable. And I derive that figure from subtracting 5,166 usable cards from the



6,000 that were returned. Now my question to you: If you know, how many of the 6,000 cards which were returned were from A. B. & W. patrons? A. I don't have that figure right here.

Q. I see. The 1110 passengers whom you say would be served by the route represents what percentage of the 11,000 passengers that were surveyed? A. It looks like about ten percent to me.

Q. About ten percent? A. Yes.

\* \* \*

[67] Q. All right. Now, did the word "stand" in your report have any significance? A. A terminal stand is a layover point or a recovery — or place for recovery time.

Q. And what in your opinion would be the approximate time for the layover time at such a stand? A. Oh, I would imagine approximately the same time that they have at 12th and Pennsylvania, in the neighborhood between five, ten minutes.

Q. Would you think in your opinion that a person employed north of L Street, say at 15th and L — do you know where that intersection is? A. Yes.

Q. — would want to sit in a bus at a stand on L Street for five or ten minutes before getting to that intersection? A. Oh, I guess he wouldn't be too pleased about it.

Q. Well, doesn't your computation comprehend that type of service? A. This tentative routing contemplates such a service.

Q. In other words, if a person — and I'm using 15th and L as illustrative — if a person were to be employed at 15th and Rhode Island Avenue, which is three blocks north of 15th and L, and who in your opinion would be adequately served by [68] a route on L Street — in your opinion that person would be adequately served if the bus were to layover at a stand on L Street for five or ten minutes before proceeding on L Street? A. Well, of course the word "adequate" could mean a lot. When you weigh everything, the fact that he has a direct service, of course, compensates for the layover that he would have to stay on a

bus. So I would say he would have a better service than having to transfer down, say, at 12th and Pennsylvania. I would rather sit on the bus, personally, and I think most passengers would, at a terminal stand rather than have a transfer.

Q. By the way, you kept talking about your own personal experiences. The Offices of the Commission have moved from the location that you gave; is that true? A. That's obvious; yes.

Q. Yes. All right. Do you use the bus now? A. No.

Q. No? What type of transportation do you use? A. Automobile.

Q. Is the service inadequate to this location? A. As far as I am concerned it is, yes.

[71] Q. Would this constitute a — two fares, for example; one for the — first of all let me ask you this. I must have been asleep here. You know A. B. & W. doesn't have any right to pick up passengers in the District of Columbia. A. Oh, I think they do have a right to pick up passengers in the District of Columbia, Mr. Kahn.

Q. But you would say then that this would be a true movement when they started on H Street and go to the stand and then layover at the stand and go outbound — would be a true interstate movement? A. Absolutely.

Q. I see. Now, for the purposes of your recommendation to this Commission, did you make any survey of the P.M. hours on A.B. & W.? A. No; no, I did not.

Q. You told this record that you had no recommendations with respect to schedules; is that true? [72] A. That is true.

Q. Can you tell this record how many routes, if you know, are operated by A. B. & W. inbound from Virginia to the District of Columbia? A. I don't have that information at hand. I can get it and give it to you, but I can't tell you offhand how many routes they operate into the District of Columbia.

Q. Have you any recommendations as to which route or routes should be extended along the streets that you have set out in Exhibit 1? A. In my direct testimony I said I did not have any recommendations.

Q. As an engineer, do you recommend that all of the routes of A. B. & W. be extended? A. I don't know. I haven't made any study as to which routes should be extended? ~~A. I don't know. I haven't made any study as to which routes should be extended.~~

Q. If all the routes were not extended, is it reasonable to conclude that possibly there would have to be transfers from some routes to other routes? A. That's a reasonable conclusion.

Q. Where do you recommend that the transfers occur? A. I haven't made any recommendation as to transfers.

Q. Would the same answers be true with respect to outbound traffic? A. It would be the same answers.

[73] Q. Do you recommend to this Commission that the terminal now utilized by A. B. & W. at 12th and Pennsylvania Avenue be discontinued? A. I do not recommend that.

Q. If some of the routes that are now operated by A. B. & W. to 12th and Pennsylvania Avenue are extended along 14th Street to H Street do you recommend that that portion of the present routes between 14th and Pennsylvania Avenue and 12th and Pennsylvania Avenue be discontinued? A. If that is the case I would recommend it, yes.

Q. How many people would be inconvenienced by the discontinuance of the service which you are now recommending? A. I don't know. I didn't say — I said if that was the case I would so recommend; therefore, I have not made a study of the number of passengers that would be inconvenienced if that was the case.

Q. You, of course, recognize that we can't divide a bus — when I say "we," A.B. & W. can't divide a bus. If the bus now goes and turns right and goes east on Pennsylvania Avenue to 12th Street, it couldn't also go up 14th Street, could it, unless we perform a miracle? A. Well, it could double back, but naturally I wouldn't recommend it double back. No, I agree that you can't divide your bus.

\* \* \*

[77] Q. Okay. How many of the outbound schedules or routes would be affected by your recommendation? A. Mr. Kahn, I've told you before I haven't made any recommendation as to the service, what buses, what trips should be operated or what schedules should be operated. I can't answer the question because I told you before I don't know. I haven't made such a study.

Q. Did your study indicate the time periods in which the passengers that you in your opinion state would be inconvenienced by this route moved? A. I told — again I covered that in my direct testimony, that the period that I studied was this three-hour period that the cards were available, to determine the times that the bus operated. But I did not make a study as to the times, and I gave that in my direct testimony, Mr. Kahn.

Q. Now, you recall several years ago, Mr. Overhouse that you were a witness — or your Staff was a witness on loading standards for the bus companies in the District of Columbia and nearby Virginia and Maryland under this Commission; is that true? A. I recall it.

Q. And there are such loading standards prescribed, are there not? [78] A. That's right.

Q. Is it reasonable to conclude that the A. B. & W. would be required to add additional vehicles during certain periods because of the loading requirements? A. That is a possibility.

Q. How many did — you don't know? A. I said that in my direct testimony, Mr. Kahn.

Q. I know you said that, but — A. I am answering it again, I don't know. I didn't make that study. I am repeating myself again, Mr. Kahn.

Q. Yes. All right. Now, you also said on direct examination that in your opinion this type of service ought to be established at any cost. Do you remember that? A. Yes, I do.

Q. Now, let's assume — and I don't think we really have to assume it, but there is no evidence yet because we don't have enough facts. But let's assume this would be a loss service by A. B. & W. In your opinion,

do you think that the rest of the riders of the A. B. & W. line ought to subsidize this operation? A. Well, I think that the service is needed and certainly every portion of a route doesn't carry itself. I think that this route extension is required just as some route extensions in the outlying districts are required, and that sometimes when [79] you extend routes in the outlying district, I know that it doesn't pay the cost of operations. And therefore, even though this will not pay the cost of operation, it is my recommendation to the Commission that they find the public convenience and necessity require the extension and so order.

Q. Well —

MR. CUNNINGHAM: Could I ask a question to clarify just a moment, Mr. Examiner?

MR. ISON: Yes.

MR. CUNNINGHAM: When you said that the cost-revenue would not meet the cost, that is assuming the same assumption Mr. Kahn made when he based his question? You are not assuming that there is going to be an automatic loss?

THE WITNESS: Oh, no, I am not assuming that. I am just answering his question, assuming that there be a loss incurred do I still recommend, and my answer is "Yes, I still recommend," and that therefore these costs should be spread amongst all the passengers of A. B. & W.

BY MR. KAHN:

Q. Mr. Overhouse, in answer to several of my questions you say that in your opinion this Commission should find that public convenience and necessity requires extension along this particular route. How many schedules — and I have got to pinpoint it because I've got to tie it in with operational practices and procedures. [80] Do you have any recommendation as to the number of schedules to be operated? A. I have none.

Q. Have you made any computation then as to how many buses, ad-



ditional buses would be required? A. I am going to answer the question again, no, I have not. I said it many times.

Q. Have you made any computation as to the number of additional employees that may be required? A. I have not.

Q. Have you made any computation as to the additional number of operating hours that would be required? A. The answer is no.

Q. You also indicated for this record that if the Commission were to find that public convenience and necessity required operations over this route, then A. B. & W. should undertake to examine these cards and develop its own schedules? Is that your *modus operandi* here? A. I say the cards are available, and I'm sure my engineers will work with the representatives of A. B. & W. and work out the best — as a result of the analysis, the best service that should be provided.

\* \* \*

[85] Q. One last area of inquiry: Was it your belief that these passengers would be transported at the same fare? A. Yes.

Q. I think in fairness, Mr. Overhouse, to you: Do you think that the extension of this line would generate any traffic? A. I don't know what you mean by in fairness to me.

Q. Well, you haven't touched upon this. You talk about improved service to the public, in effect. Do you think that this would attract any traffic that is not presently running on A. B. & W.? A. Well, in fairness to me, I testified to that, that I thought it would attract passengers, yes.

Q. Well, how many? A. I didn't say how many. I said I thought it would attract passengers.

Q. Well, your whole exhibit is based upon present riders of A. B. & W. A. That's right.

Q. All of the passengers that you are talking about are presently users of A. B. & W.? [86] A. That's right.

Q. They are not persons who would be attracted to A. B. & W. if

this application — I mean if this Commission were to order the extension? A. No; they would have better service in my viewpoint.

Q. Yes. Now I am asking you: Did you conceive that this route could attract traffic? A. I said in my direct testimony I indicated that I thought it would attract more traffic, and you said how much, and I said I don't know.

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[87]

WILLIAM D. HEATH

\* \* \*

#### DIRECT EXAMINATION

BY MR. CUNNINGHAM:

[88] Q. Would you state your name and address? A. William D. Heath, 499 Pennsylvania Avenue, Northwest.

Q. Where are you employed, Mr. Heath? A. I am Executive Director of the Motor Vehicle Parking Agency of the District of Columbia.

Q. What are your duties with this agency? A. Well, as I stated, I am the Executive Director of this agency, and the agency is involved in making statistical studies, particularly with relation to the parking of motor vehicles. Also, the establishment and operation of fringe parking facilities that we operate in cooperation with various bus companies in the area.

Q. Mr. Heath, by virtue of the duties and functions of your position, are you familiar with the downtown Washington, D.C., employee population, and its location? A. Yes. Part of the staff functions of this agency have been to make employee population surveys and to keep the same up to date.

Q. Do you know the number of employees located in the vicinity of 18th and L Streets, Northwest? A. Well, I brought a map with me that will show graphically this data.

MR. CUNNINGHAM: Mr. Examiner, at this point may I have this chart marked for identification as Exhibit No. 7?

MR. ISON: It will be so marked.

[89] (The document referred to was marked Commission's Exhibit No. 7 for identification.)

MR. KAMEROW: Is Mr. Sims going to make a copy of this also?

MR. SIMS: All right.

THE WITNESS: The zones that are shown on this map are the zones that have been utilized in all of the transportation studies in the District of Columbia. They were initially set up for the Washington Metropolitan Area Transportation Study which first started in 1948, and to be consistent, every other study since that time has utilized these same zone boundaries.

We have here — and this is 18th Street, and H Street comes across here (Indicating). So for purposes of this hearing, I —

MR. SIMS: Mr. Examiner, I hate to interrupt, but I can't see from here. I assume these streets are marked on there?

THE WITNESS: Yes, they are.

MR. SIMS: All right.

THE WITNESS: So for purposes of this hearing the areas delineated in the heavy black lines, which are eight zones of the metropolitan area study area, were set forth, and the population figures for 1963 and 1965 and for buildings that are currently under construction upon their completion and occupancy were plotted on here, the black being the '63 population, the orange '65, and the blue, when the construction [90] that is currently underway is completed, will be the ultimate population. Now for the total of the eight zones, in 1963 there were 42,978 employees within these eight zones. As of 1965, there are 48,804 employees.

Then when the construction that is currently underway is completed and fully occupied in accordance with the standards of one employee for every 200 square feet of gross area of the building, which is a reasonably acceptable figure, there will be an additional 14,617 employees in the eight-zone area, or a total of 63,421.

Now going back a little bit to the 1955 Washington Metropolitan Area Transportation Study that was conducted by the Highway Department in cooperation with the Highway Departments of Virginia and Maryland and the Bureau of Public Roads, there are five zones in this area, namely Zone 075, which is this zone here — and this is bounded by F Street, 19th, across H, down Jackson Place to Presidents Square, over 17th, and closing that up. That is Zone 075.

Zone 081, which is bounded by 17th Street, 16th Street, H Street and K Street.

Zone 082, which is from 17th Street over to 20th, H and Pennsylvania on the south, K on the north.

Zone 084, which is K on the south, 16th on the east, Connecticut, M Street on the north.

[91] And Zone 085, which is from K, Connecticut, to M, to 20th. Those five zones in 1955 had a population of 26,001 employees. In 1963 those five zones had a population of 40,962, or an increase of 57 and a half percent. In 1965 they had 44,314 employees, or an increase of 70.7 percent. And when the buildings within these five zones are completed and fully tenanted, they will have 56,051 employees, or a gain of 115.5 percent between the years of 1955 and the year that these buildings are completed and fully occupied.

BY MR. CUNNINGHAM:

Q. Mr. Heath, are you familiar with the fact that in 1955, when you showed that there were approximately 26,000 employees located in the area you described, that A. B. & W. and WMA Transit Companies had one central terminal located in the downtown area at the corner of — in the case of A. B. & W., 12th and Penn? A. Well, I have been in the District of Columbia a long time, and to the best of my knowledge I was in the Highway Department and I worked with Mr. Mitchell on the 12th and Pennsylvania terminal many times, and I am fairly familiar with that location, and familiar also that WMA has a terminal on 11th Street north of Pennsylvania Avenue.

Q. Now, you have testified that since 1955 there has [92] been better than a 70 percent increase in the number of employees working in the zoned area you described.

Has there been any additional terminal facilities opened and operated by the two companies respondent to this proceeding? A. Not to my knowledge.

MR. CUNNINGHAM: That's all I have, Mr. Examiner.

MR. ISON: Thank you.

MR. KAHN: I have a few questions.

#### CROSS EXAMINATION

BY MR. KAHN:

Q. Mr. Heath, has your agency developed the number of parking facilities — and I don't mean — when I use the word "facility," I don't mean the number of lots or buildings, but the number of spaces for the normal car in this area? A. Yes, we have that information.

Q. Do you have it here? A. I did not bring that, no, sir.

Q. Well, I'm sure you have some general knowledge of it. A. Well, it just so —

\* \* \*

[93] BY MR. KAHN:

Q. Mr. Heath, does any of your figures indicate the residences of any of these people that you say are populated in this area? A. No, these are day-time employee population.

Q. And we don't know, just for the purposes of counsel of this Commission, whether any of these people live on the routes of A. B. & W., do we? A. We don't know that for a fact.

\* \* \*

[96] Whereupon,

DANIEL J. HANSON

\* \* \*



## DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Sir, would you state your name? A. Daniel J. Hanson.

Q. And your occupation? A. Deputy Director of Traffic Engineering and Operations for the D.C. Department of Highways and Traffic.

Q. And Mr. Hanson, how long have you been in this position? A. Since March 22, 1965.

Q. And what do your duties consist of there? A. The Bureau of Traffic Engineer of Operations is directly responsible for recommending such traffic control improvements as one-way streets, special bus lanes, parking restrictions, the installation of appropriate traffic control devices, signs, signals and markings — pavement markings, the supervision and maintenance of street lighting programs, and generally other activities related to traffic engineering within the District of Columbia.

Q. Mr. Hanson, where were you employed prior to your being presently employed in the District? [97] A. Prior to coming to the District of Columbia in March, I held the position of Traffic Commissioner for St. Louis County, Missouri, for a seven-year period of time.

Q. What were your duties there? A. In that position, as an employee of a county agency, we were directly responsible for the installation, repair, maintenance of all traffic control devices and the making of numerous recommendations relating to traffic control improvements, including bus operations, one-way streets, parking restrictions, signal timing, et cetera.

Q. Mr. Hanson, have you in your department reviewed the report of the Engineering Department prepared under the supervision of Mr. Overhouse and marked for identification in this proceeding as Exhibit No. 1? A. Yes, our Bureau has reviewed this report and I personally have read the report and discussed it with representatives of my staff as well as the staff of WMATC.

Q. Did this review of you and your department include personal observation and inspection tours over the proposed route extensions? A. In connection with our review of this report, yes, we did conduct a number of field studies, both during the rush hour and non-rush hour, relative to the general area including specific streets and including areas on the fringe of — streets on the fringe of the area concerned.

[98] Q. Now, as a result of your studies and a review of the report, have you reached any conclusions and observations in connection therewith? A. Yes, we have. We have determined from personal field observations, morning and evening, at the present terminal facilities of the bus companies concerned and in the area that is proposed to be served by this extended service, that, one, any extension of this service would in our opinion encourage people to use public transportation and thereby ~~helpfully~~ <sup>helpfully</sup> reduce the number of private passenger cars that enter the District of Columbia daily solely for the purpose of bringing people to work in the morning and returning in the evening.

We also feel that the development in the area under question, 17th and 18th, and H, I, K and L, indicates that there is a need for people having an opportunity to directly arrive in this area without the necessity of making bus transfers. And in addition, our personal observations in the field indicate that a goodly number of people who presently use the A. B. & W. and WMA bus service make their trip in two parts: One, as a passenger on a bus, and secondly, as a pedestrian, and in the latter instance do have to at this time cross a number of busy streets in downtown Washington. And we feel that if they were able to take a bus ride a little bit closer, or in some cases within a block of their terminal point, that [99] we could eliminate some of the vehicular-pedestrian conflicts at already over-congested intersections in downtown Washington.

And lastly, through these field studies and investigations with representatives of WMATC, we have checked a number of streets, including 14th and H and I, and checked K and L also, and 17th Street, and do

feel that it is perfectly practical to work out a reasonable and satisfactory routing — for example, H and I are one-way streets and currently do have special curb lanes provided for exclusive bus use during the rush hours — and that we would be able to satisfactorily work out terminals points for this proposed extended service.

Q. You feel, then, that this service would reduce the number of passenger cars which currently drive into downtown Washington daily merely for the purpose of bringing employees to their place of work?

A. Well, we do know that a large number of people that drive into the downtown Washington area are driving solely for that purpose, and we do feel that if more convenient, more direct through service was provided, that a number of these people could be encouraged to leave their autos at home.

MR. CUNNINGHAM: That's all I have of this witness. I tender him for cross-examination.

MR. ISON: All right.

MR. KAHN: Just a few questions, sir.

[100]

#### CROSS EXAMINATION

BY MR. KAHN:

Q. In several answers on direct examination you used the phrase, quote, "goodly number of people."

Firstly, would you tell me what you — what is that number, generally? A. Well, it is certainly more than one or a handful, and probably less than a hundred at a time.

Q. How did you — you say from personal observation. Did you all conduct a survey or an interrogation? A. We conducted no personal interviews, but we did in fact have field inspectors on the site at the present terminals in the vicinity of 12th and Pennsylvania and observe people generally — not just these people getting on and off these buses, but people generally in this area and where they go and how they get there.

Q. Well, for example, you said that in your opinion patrons of A.

B. & W. move in two parts: One by bus and one by walking as a pedestrian. Is it your belief from what you have said to us today that a large number of people who are presently riding A. B. & W. are walking several blocks from the terminal, or from the routes of the company? A.

A goodly — if you will —

*Q. A goodly number?* A. A goodly number of people walk several blocks from the existing terminal, in our opinion.

[101]

Q. Just one other question along that line. Do you use the same standard as the Engineering Staff of this Commission, namely a distance of approximately three blocks from an existing bus stop is not an unreasonable distance to ask the public to move? A. Generally that is true. We recognize that there is a limitation and that door-to-door service cannot be provided, and three blocks would be a reasonable limit.

Q. You pointed out too, and I think we are all aware that both H and I Streets, Northwest, are one-way streets in reverse directions. Has the Department come to any conclusion with respect to the particular route that is contained in the Exhibit 1 in this case? A. No, we haven't come to any particular conclusion. We have travelled and are still in the process of travelling with stop watches all of the streets that run east and west and north and south in this area, considering a number of possibilities, H and I, two of which are — I mentioned specifically. But there are others including K and L and 17th and 18th, and in fact even 19th has been checked out.

MR. KAHN: Thank you very much. I have no further questions, sir.

MR. CUNNINGHAM: No redirect, Mr. Examiner.

MR. ISON: Thank you very much.

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[102]

EDWIN L. KESLER \* \* \*

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Would you state your name? A. Edwin L. Kesler.

Q. Where do you live, Mr. Kesler? A. I live in the community of North Springfield, Virginia.

Q. Is that in which county? A. It is in Fairfax County.

Q. Mr. Kesler, does any member of your family presently work in the vicinity of 18th and L Streets? A. No one at the present time does. My wife did work there previously.

Q. Fine. What location was she in? [103] A. She worked in a building on the corner of 18th and M Street. It is a leased building, leased — part of the building is leased by the Department of Commerce.

Q. When your wife was working at this location how did she go to work daily? A. We — it was necessary for her to take the A. B. & W. bus from the Annandale area — well, we rode from North Springfield to Annandale, transferred in Annandale to the Route 16 bus which comes in Columbia Pike along Constitution Avenue, and then it was necessary for her to get off at 18th Street and walk from 18th and Constitution up to 18th and M, because the transfer time to ride all the way to the terminal and transfer to a D.C. Transit bus — it was impossible for her to get to work by 8 o'clock taking the earliest bus from Annandale. In foul weather it was — because of this long walk I would drive and drop her off and then I would locate a parking space for myself.

Q. In other words, you were one of these people Mr. Hanson was talking about who would drive an unneeded car into this area just solely to drop off an employee working there? A. Right. And also when he was talking I remembered that on these foul-weather days, I would also pick my wife up, but because I wasn't exactly sure what time she would be coming out of the building I would be circling the block many [104] times. and on K Street I would circle around and round, and I would sometimes have to make a pass four or five times. So I mean I represented in a sense five cars during the rush hour.

\* \* \*



[104]

CROSS EXAMINATION

BY MR. KAHN:

Q. Mr. Kesler, where does your wife work now? A. We have a baby and she is home right at the moment.

Q. Oh, I see.

\* \* \*

[109]

CHARLES W. OVERHOUSE

\* \* \*

CROSS-EXAMINATION

BY MR. SPEAR:

Q. In your direct testimony, and on cross-examination, you stated that the postcard questionnaires were intended to [110] collect information of the morning inbound passengers only, and not of outbound passengers. Is that correct, Mr. Overhouse? A. That is correct.

Q. Then none of your evidence supplies any information at all about the afternoon traffic outbound to the suburbs? A. It does not.

Q. Does your testimony, or any of your exhibits, furnish informa-



tion as to what the counterflow of traffic is in the morning rush hour; that is, from the District to the suburbs? A. None of my exhibits show that.

Q. On your prior examination <sup>you</sup> stated that D.C. Transit and the other companies operate, quote, "two distinct types of bus service."

Does your proposal to move the terminals have any effect at all upon the local bus service of the other companies? Will it? A. Mr. Spear, I don't understand what you mean by "move the bus terminals." I have not suggested that the terminals be moved.

Q. Would your proposal that the routes be extended and additional stops provided for the service of AB&W and WM&A, will that have any effect upon the service of the other companies, do you know? A. Service of what other companies?

Q. Of D.C. Transit in particular. A. When you are speaking of service, frequency of service [111] of D.C. Transit?

Q. Will it have any effect at all upon the number of passengers or the amount of service provided by D.C. Transit? A. I'm sure it will have an effect on the traffic of D.C. Transit. I know for a fact some of these passengers at the present time are transferring from ABW and WV&M, from D.C. Transit to go down to this area. I have recommended these companies extend their service.

Q. You say you know for a fact this will happen. Did your survey develop any information at all on the effects of the route changes on the passenger traffic of D.C. Transit? A. No. I have made no findings or made any recommendations — I have made no — The study didn't indicate what effect it would have on D.C. Transit.

Q. On what do you base your statement earlier it is your opinion that the changes in routes proposed in this proceeding would have an effect on D.C. Transit? What do you base your statement on? A. You mean the statement I just made a few minutes ago?

Q. Yes. A. I imagine that the loss of patronage would have a financial effect on D.C. Transit.

Q. What would you estimate the loss of patronage to be? A. I haven't made any estimate.

Q. Would it be small, significant, or substantial?

[112] MR. CUNNINGHAM: I object to that question, Mr. Examiner. The witness already said he didn't make a study.

BY MR. SPEAR:

Q. Do you have any idea at all of the amount of the effect on D.C. Transit? A. No, I don't.

Q. Is it possible in your opinion it could be substantial? A. I don't know, Mr. Spear.

Q. If the effect of the route changes were to be substantial on D.C. Transit, and if there were to be changes in the services provided by D.C. Transit, would the overall result achieved by the changes in AB&W and WMA —

MR. CUNNINGHAM: I object to the question, sir. It is based on a hypothetical situation on which no facts have been developed in the record to this point.

MR. SPEAR: Mr. Examiner, the entire testimony of this witness seems to be hypothetical in the most extreme use of the word. It is all hypothetical what will happen if routes are changed. I am now asking this witness what the overall effect will be on the total transportation system provided for the Greater Washington Area if the effect of his proposed route extension does create a change in the service of D.C. Transit.

MR. CUNNINGHAM: He has posed another question, Mr. Examiner, and my objection goes to the question on the record as propounded to this witness.

[113] MR. ISON: I think the question based on the premise there will be a substantial change or impact is the pending question. Mr. Overhouse says he doesn't know whether it will be substantial or not. I don't think it would help the record to answer a question based on a premise that is not in the record. The objection is sustained.

MR. SPEAR: Will you read back the second question, the one asked just prior to the ruling please?

(Question read)

BY MR. SPEAR:

Q. Mr. Overhouse, does your study indicate whether the public convenience and necessity will be — strike that, please. Does your study and testimony indicate what the overall effect upon the public convenience and necessity in the area will be if the proposed route extensions in this proceeding are granted, and if as a result thereof there are consequent changes in the services furnished by D.C. Transit? A. The study doesn't show that, no.

Q. In your opinion would that issue or factor be relevant to your proposal? A. No, I don't think it would be. I think my own personal view is that overall public convenience and necessity in the area will be improved. That is my own personal opinion.

Q. By overall, you mean overall as the result of the services furnished by all companies in the area? [114] A. Yes. I think the overall will be an improvement in the transit operations in the metropolitan district.

Q. Well, I would like you to explain how you came to the conclusion that the overall public convenience and necessity would be improved if you have failed to consider the effect on the public convenience and necessity of changes in the services of D.C. Transit. A. Well, as I said, I don't know what the effect will be on D.C. Transit, but I do know those people, a good majority of the people of AB&W and WM&A will have better service afforded to them. When you balance it out, it is my opinion the overall improvement — there will be an overall improvement in transportation in the metropolitan district.

Q. Is it not true that the primary purpose of the survey made under your supervision was to determine destinations? A. Primarily, yes.

Q. Is it not also true that the matter of origins were disregarded



in the preparation of the survey? A. I wouldn't say they were disregarded. They weren't considered. I imagine it means the same thing.

Q. They were not considered? A. Yes.

Q. Yes, they were not considered? A. Yes, they were not considered.

Q. Is it not true also that your study and survey contains [115] no evidence as to what percentage of the passengers interviewed are intra-District passengers? A. Well, of course in the case of AB&W they are all interstate passengers. In the case of WMA, there is a possibility that some of those were intra-District of Columbia passengers.

\* \* \*

[121] Q. As I understand your testimony earlier today, you do agree that the proposed route extensions do or will in some manner affect the operations of D.C. Transit? A. I said that they would lose passengers as a result of this extension, and financially they would lose some money as a result of this.

Q. Now, do you also agree that the routes over which you propose to extend the present routes of AB&W are routes held by D.C. Transit?

MR. CUNNINGHAM: Mr. Examiner, I think that question should be further clarified and noted, in taking into consideration the certificate authority presently held by the two carriers.

MR. SPEAR: I think whatever they hold is not relevant to this question. I would like to ask my question in my own way.

MR. CUNNINGHAM: I think it is very relevant.

MR. SPEAR: If counsel wants to testify I will be glad to take his testimony. I asked the witness the question, I think [122] the question was clear. I don't think the witness should be instructed on what the answer is.

MR. ISON: Just a minute. Read the question back, please.

(Question read)

MR. SPEAR: I think the question is clear. It is susceptible to an easy answer.

MR. ISON: He may answer.

THE WITNESS: I know D.C. Transit has many routes in the District of Columbia. Certainly a portion of this route I suggested for WMA and AB&W operate over routes now being operated by D.C. Transit, if that answers your question.

Q. [By Mr. Spear] Yes. Now, what is your interpretation of the meaning of that portion of Section 4(e) about which you testified on pages 25 and 26, which says that no certificate shall be issued to operate over the routes of any holder of a certificate until it shall be proved to the satisfaction of the Commission after hearing upon reasonable notice that the service rendered by such certificate holder over such route is inadequate to the requirements of the public necessity and convenience? Where is your interpretation of that section so far as it relates the opportunity to be afforded to D. C. Transit to offer the services being proposed? [123] A. The reply to that is that WMA and AB&W do not need a certificate to operate over this route, and therefore D. C. Transit does not necessarily — is not afforded the opportunity for a hearing. However, we are holding a hearing.

Q. Are you holding a hearing on whether or not D. C. Transit has been afforded the opportunity of rendering the services proposed for AB&W and WMA? A. As far as I'm concerned —

MR. CUNNINGHAM: I object to that question, Mr. Examiner.

MR. SPEAR: He answered the prior question, I want to clarify the answer, and now he objects.

MR. ISON: Objection sustained. Mr. Overhouse doesn't need to explain why this hearing is being held. It is a Commission action, and I sustain the objection.

BY MR. SPEAR:

Q. Mr. Overhouse, are you aware of the remainder of the quotation of Section 4(e) that you did not quote at pages 25 and 26, to wit, quote — I will pick up with some of your language and continue: 'If the Commission shall be of the opinion that the service rendered by

such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience" — and I continue — "such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to operate over such route."

[124] Are you aware of that last portion which you did not quote on pages 25 and 26? A. I'm aware of it. Incidentally, it is in my exhibit.

Q. Mr. Overhouse, do you know whether D.C. Transit has been given any opportunity to remedy any alleged inadequacy of service over the routes proposed in this proceeding? A. But we are not issuing a certificate to WMA and AB&W, and I'm not proposing a certificate be issued to WMA and AB&W.

Q. Then I will rephrase the question, since you are relying on a particular word in the section. Has any opportunity been given to D.C. Transit to remedy any alleged inadequacy of service over the routes involved in this proceeding? A. I don't know whether they have or not, but I don't know how they could provide service from Alexandria to 17th and K, in interstate service. They just don't have that authority, Mr. Spear.

Q. Has any opportunity been afforded to D.C. Transit in conjunction with any other carriers to provide the service being proposed in this proceeding, or to render — strike "render" — to remedy any alleged inadequacy of service? A. Again, I don't know how D.C. Transit could provide this interstate service to 17th and K Street. So therefore how could you afford them the opportunity to improve their service? They can't operate from Alexandria to 17th and K [125] Street, or they can't operate from WMA territory in Prince Georges to 17th and K Streets.

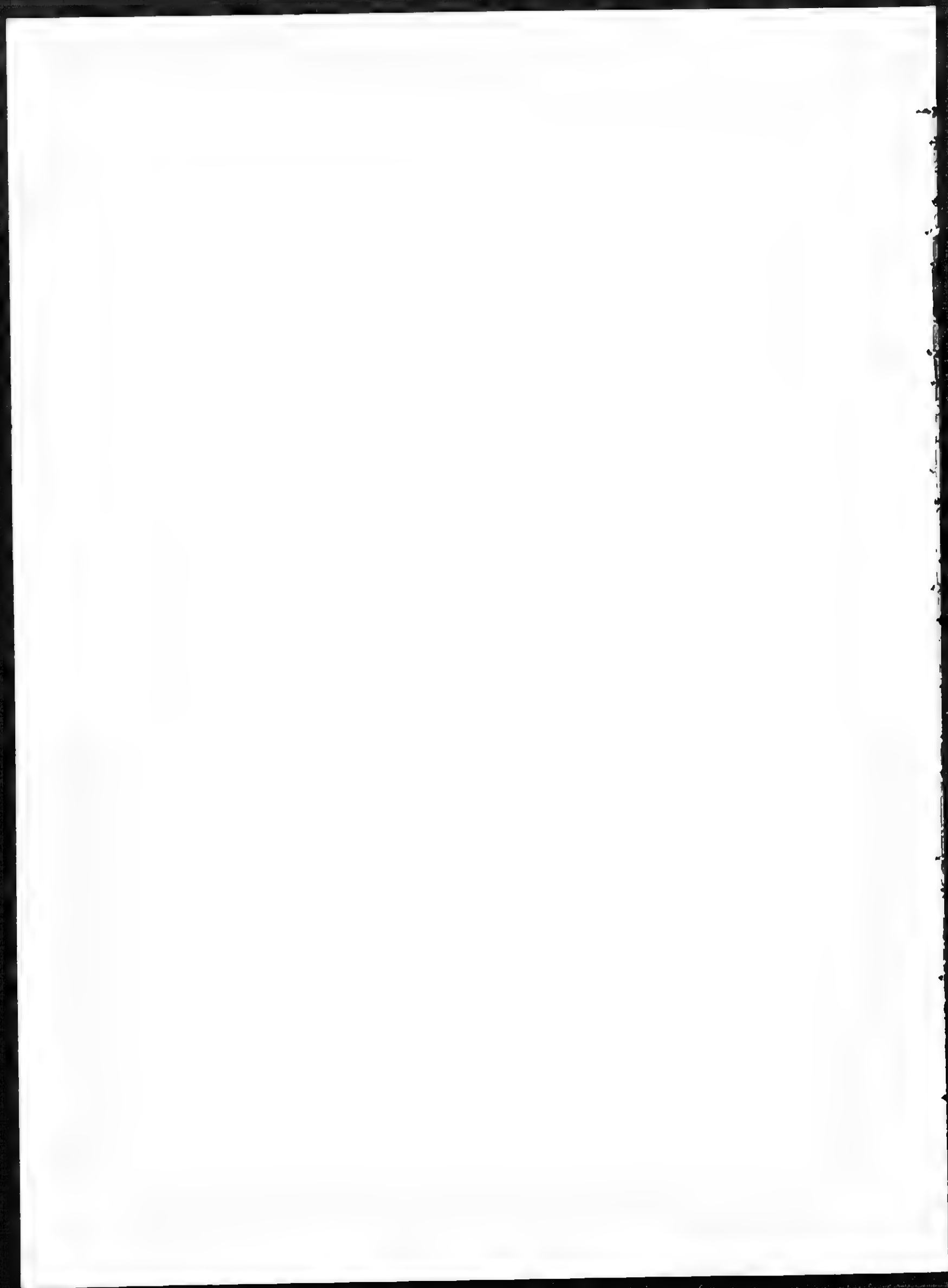
Q. Mr. Overhouse, I will again ask you to focus on the question, because you are overlooking certain words in the question, and jumping to a conclusion. My question related to whether or not an opportunity has

been afforded to D.C. Transit in conjunction with any other carrier, — assuming your interpretation to be correct for the purpose of this question? A. I don't know whether they have been afforded that opportunity. I don't know.

Q. Have you been informed of them being afforded any such opportunity? A. I don't know of any, no.

Q. Have you recommended that that opportunity be afforded? A. No, I wouldn't recommend it, because I don't think they can provide service from Alexandria to 17th and K Streets.

Q. My question, Mr. Overhouse, which you continually seem to walk away from, whether or not —





MR. CUNNINGHAM: I object to the form of the question.

MR. SPEAR: Will you let me at least finish my question before you interrupt? That is a matter of courtesy as well as standards of practice, then you can object to the characterization.

[126] MR. CUNNINGHAM: I'm sorry, Mr. Spear.

BY MR. SPEAR:

Q. Mr. Overhouse, have you recommended that D.C. Transit be given the opportunity to remedy the alleged inadequacy of service in conjunction with any other carrier? A. Well, first, the alleged inadequacy of service is that there is no direct service from Alexandria, for example, to the vicinity of 17th and K Street. I have not asked D.C. Transit will they perform this service from Alexandria to 17th and K Street. There is direct service. There is where I think the service is deficient.

Q. Are you aware, Mr. Overhouse, through service on a through vehicle in interstate commerce can be provided on that vehicle under a joint arrangement between two or more carriers? Are you aware of that practice in transportation? A. Yes. We have that at the present time between WV&M and D.C. Transit.

Q. Yes. Was any opportunity afforded in this matter for these particular routes to D.C. Transit to work out a through service over the routes involved in this proceeding? A. I don't know of any.

Q. Did you recommend any such possibility? A. No, I did not recommend it.

Q. Did you discuss it with D.C. Transit or any of its [127] officials? A. No, I did not.

Q. Are you aware, Mr. Overhouse, officials of D.C. Transit offered the staff of this Commission the possibility of sitting down with the other companies to work out through service on that basis — A. No, I am not.

Q. — earlier in 1965 and in 1964? A. I don't recall it.

Q. Were you ever present at any such conferences or discussions on that matter? A. Gee, I don't recall being present, where they were

going to provide through service as you have indicated, for example, from Alexandria to 17th and K Street. No, I don't recall that.

Q. Were you ever informed in the course of your duties by any official of the Commission or staff member or Commissioner that D.C. Transit had been involved in discussions with the staff of the Commission on the possibility of working out through service in connection with other carriers over the routes involved in this proceeding? A. Well, now, you are mentioning something — I do recall the staff of this Commission tried to work out a plan, and we invited D.C. Transit. As I recall, D.C. Transit didn't show up, as I remember. We tried to get D.C. Transit here — [128] I am drawing on my memory now, but I think all the other carriers showed up but I don't think D.C. Transit showed up.

Q. Do you know of any conferences held in this office building, in the Commission's headquarters, at which representatives of D.C. Transit were present, at which the matter of the possibility of through service on a joint basis between D.C. Transit and other carriers was discussed with the staff of the Commission? Are you aware of those discussions?

A. If you are relating to the X plan, to use the X plan, I assume that is what you are talking about. There were some discussions about through routes, but the exact mechanics of the thing I don't think were discussed, running D.C. equipment into the territory of AB&W, for example. I do recall the arrangement between WV&M and D.C. Transit.

Q. Mr. Overhouse, are you aware that AB&W and WV&M do have through service on a joint basis at the present time over certain routes — A. Yes.

Q. — in Virginia? A. Yes.

Q. Did you consider the possibility of that type of through route service for the routes being considered in this proceeding? A. I didn't consider it, no.

[129] You see, there is a little difference between the WV&M and the AB&W operation. Because WV&M was operating in the AB&W's territory and the AB&W was operating in the WV&M territory. When I said

I didn't consider this type of operation, it was my opinion AB&W and WMA have authority to serve the District of Columbia.

MR. SPEAR: Will you read his last answer, please?

(Answer read)

[130] BY MR. SPEAR:

Q. I just direct your attention to page 71, Mr. Overhouse, when on lines 12 and 13 you indicate that you "think they (AB&W) do have a right to pick up passengers in the District of Columbia, Mr. Kahn." Under what authority do they have that right? What were you referring to? A. Authority from this Commission.

Q. From this Commission? A. Yes.

Q. Do you interpret that to mean that they can pick up or discharge passengers any place in the District of Columbia? A. Yes.

Q. Do you interpret that to mean they can have a route into the District of Columbia all the way to the northwesternmost portion of the District of Columbia? A. Yes.

Q. Or similarly to the northeasternmost portion of the District of Columbia? A. Yes.

Q. And with as many stops as are deemed appropriate? A. Yes.

Q. Do you also interpret that to mean that they could extend their routes over and duplicate the identical routes [131] and trunklines of D.C. Transit? A. Yes.

Q. Is your interpretation of the rights of AB&W also applied to WM&A under its authority from this Commission? A. Yes.

Q. On page 21 of the transcript, Mr. Overhouse, I think you testified at several different points it is your opinion this Commission can grant the relief proposed in this proceeding "in the form of a route authorization." Now, would you tell me precisely what you mean by the phrase "simple route authorization," which appears later on in your testimony? A. Where is the "simple" you refer to?

Q. To save some time, let's for the moment — would you describe what you mean by "route authorization"? A. Yes. It is an administra-

tive order of the Commission whereby we police the operations of the carriers that have authority to operate within the District of Columbia. For instance, D.C. Transit applied to conduct a government minibus operation. We didn't amend the certificate of the D.C. Transit. We issued a route authorization, and then they acted upon that route authorization and are now providing this government minibus operation within the District of Columbia. You see it is our view, or at least my view, that D.C. Transit has authority to provide intra-District service within the [132] District of Columbia, in their area certificate, in the District of Columbia. So that any changes they make they request the Commission to make these changes, and we authorize it by route authorization. There is no formal action of the Commission. It is a route authorization, over the Executive Director's signature, with the approval of the Commission.

Q. Is it, then, your view that any route — strike that — is it your view, then, that this Commission can by "route authorization," without a hearing on public convenience and necessity, amend the routes of AB&W and WMA in such a way that they extend all the routes along all of the routes of D.C. Transit within the District? A. They can do that with AB&W, and most of the routes of WMA.

Q. Your answer is they could do that? A. My answer is not "Yes." They could do it with all the routes of AB&W within the District of Columbia and most of WMA.

Q. They could do it for most of the routes of AB&W, under your interpretation? A. Yes.

Q. Is your interpretation the same notwithstanding the provision of section 4-e which says that when such route extensions are over routes of D.C. Transit — strike that question, please. Is it, then, your opinion that section 4-e does [133] not apply to the circumstances of my prior question? That is, to the ability of the Commission to — to the extension of routes by the Commission of AB&W over routes which are identical to those of D.C. Transit in the District? Does your section 4-e



read it does not apply to that so-called route authorization procedure?

A. That is true, yes.

Q. Now, do you make <sup>any</sup> ~~and~~ distinction between the ability of this Commission to act by route authorizations within Maryland or within Virginia as contrasted with the procedure you have just outlined for within the District of Columbia? A. Yes. In the Maryland and Virginia, we must issue a certificate, because the routes are certificated in Virginia and Maryland. In the District of Columbia they are not certificated, except a portion of WMA Transit Company.

Q. But the routes of AB&W are not certificated in your use of that word? A. In other words, it is my view that AB&W has an area certificate as far as the District of Columbia is concerned, but they just serve the District of Columbia in interstate service.

Q. And is it then also your view in issuing such route authorizations you do not have to consider whether or not — strike that — you do not have to consider what effect if any route authorizations shall have on D.C. Transit within the [134] District of Columbia? A. We also consider the effect. Legally we do not have to. I would say legally we do not have to consider the effect.

Q. Just to understand your last qualification in your last answer which seems to differ from your earlier answers today — perhaps I misunderstand — is it — did you in your proposals today consider or give any weight to the effect on D.C. Transit of the proposed route authorizations in this proceeding? A. I think my answer was, no, I did not have anything in my report that indicated what effect it would have on D.C. Transit.

Q. You did not consider any of the evidence which might bear on that? A. That is right, I did not.

Q. Mr. Overhouse, do the postal card questionnaires used in your survey give any indication which if any routes should be extended? A. That could be determined. We didn't determine it.

Q. But the cards themselves don't indicate that. A judgment has



to be made by someone reading those cards. It is not available on the face of the cards, is it? A. It doesn't say exactly what route should be extended. You can determine that after analyzing the cards, which route should be extended, because it gives the point of origin, [135] then you know what route is closest to that point of origin.

Q. Are there on the cards any trip identifications? A. No.

Q. Are there any times indicated for bus or route operations on those cards? A. No.

MR. KAHN: I think, in fairness to the witness, Mr. Chairman, you ought to reexamine the card. There is a time question on the card.

THE WITNESS: That wasn't his question, Mr. Kahn.

MR. KAHN: All right.

THE WITNESS: The question was, was there a time the bus was operated. There was a time as to when the passenger wanted to get downtown, but no time as far as the schedule of the buses was concerned.

MR. KAHN: That was your understanding?

THE WITNESS: Is that your question? Maybe I didn't answer your question.

BY MR. SPEAR:

Q. I think you indicated at page 24 of the transcript in your opinion, "The better standard of service justifies any additional cost involved."

When you spoke of additional cost involved, did you mean additional cost to the particular company, or did you mean additional cost to the riding public in the nature of [136] higher fares, if necessary? A. I was thinking about the costs of the companies that are involved — the two companies that were involved.

Q. Does your proposal contemplate no change in fare structure for the route extension? A. That is correct, yes.

Q. Do you have any idea of what the additional cost would be to the carriers for the additional service? A. No. I testified that I did not at the prior hearing.

Q. I think you testified on cross examination that there would be a layover time for AB&W at its present terminal of I think you said five to ten minutes, is that correct? A. No. The question was asked, would there be layover time. And then they said about how much. I said, oh, somewhere in the neighborhood of five to ten minutes, as I recall.

Q. Would there be additional running time for the extended route?  
A. Additional running time for what?

Q. For the bus, on the additional route to be run on the particular route extension? Would there be additional running time? A. On what bus, I'm not sure.

Q. On any route you extend will there not be additional [137] time required for that particular bus to make the additional trip? A. Yes. It is about two miles round trip longer.

Q. How much time would that be in your estimation, in the rush hour — the rush hour proposed? A. At 9 miles per hour, 8 or 9 miles per hour, I will have to do a little arithmetic here. I would assume the extension would be around 15 minute's running time round trip.

Q. Well, then, if additional running time is required, would not more equipment and manpower be necessary to operate the extended routes? A. I don't know. I didn't make that study. No, I couldn't say that.

Q. Is it not your general practice in this Commission to submit estimated costs of additional operations at the time you propose new services or additional services? A. It all depends on the circumstances. In this particular case we felt, or I felt, it wasn't pertinent to make estimate of costs or revenue, because we didn't know exactly how much service would be added, and therefore we didn't estimate — make any estimate of cost and revenue. We don't know whether maybe one trip will be extended, thirty trips will be extended, or how much service is going to be extended.

Q. Is it not also not only your practice, but required under your rules and regulations, that in any matter involving [138] route extensions

of this magnitude the record contain for the benefit of the Commission and the parties and the public information concerning the financial effect of the proposed extensions, both on the company providing the service and on other carriers? A. Are you speaking of route authorizations now?

Q. Yes, this type of route authorization involved. A. No, I don't think so. It is not necessary. Amending a certificate of course there are certain requirements, but for route authorization —

Q. Well, you predicated your proposal for route extensions on the assumption the fares would not have to be increased over those routes, did you not? A. My proposal is that the fares not be increased. If the Commission finds there is a need for this service to be extended.

Q. And you predicated your recommendation that the route be extended over — on the assumption that there would be no fare increase, did you not? A. That is correct, yes.

Q. If it is necessary to have a fare increase, is your recommendation still the same? A. Oh, yes.

\* \* \*

[141] MR. ISON: Would you give him a quick answer, Mr. Overhouse, so we can get on to other matters?

THE WITNESS: If the fare is to be quadrupled, I would not recommend the extension of the service, Mr. Spear.

MR. ISON: Let's continue, gentlemen. This is a rather hypothetical situation.

MR. SPEAR: It appears to me, if Your Honor please, that the entire proposal of the Staff is hypothetical, and that is why the questions have had to be hypothetical.

BY MR. SPEAR:

Q. I think on page 16 and several places thereafter, Mr. Overhouse, you testified that the routing proposed in your report, and in the route extensions here, were all "tentative." Are they still tentative? A. Yes, they are at this date.

Q. So that the recommendations might have to be different if the routes were changed? A. What recommendations?

Q. The proposal for route extensions. For example, if you could not use the particular streets involved in your recommendations — H and L — your recommendations for route extensions might be different, might they? [142] A. I would still recommend they extend the service.

\* \* \*

[143] Q. Did you make any effort to determine how many, if any, of the persons questioned might prefer to have no changes in route schedules, or route extensions? [144] A. I haven't proposed — may I have the question, please?

Q. Let me restate it to make it easier, I think I understand your problem. Have you made any effort to determine what percentage of the persons queried in your study might wish to have no changes in the routes proposed in this proceeding? A. I don't propose that the routes be changed. I only propose that the route be extended. But to answer your question, no, I did not make such a study.

Q. Did you make any effort to determine what the wishes of the riding public would be for persons other than those who rode — strike that sentence — off the record.

(Discussion off the record.)

MR. ISON: Back on the record. We will take a short recess at this time.

(Recess.)

MR. ISON: Back on the record.

BY MR. SPEAR:

Q. Mr. Overhouse, in some of the recent questions you drew a distinction between route extension and route changes. Now in your proposed "route authorizations," do you contemplate continuing the stop at 12th and Pennsylvania? A. Yes.

\* \* \*

[145] Q. Do you contemplate the elimination of any of the existing terminals? A. No.

Q. Or stops? A. No.

Q. Now, do you mean by your recent answers AB&W would go to 12th and Pennsylvania and then go up to the other areas proposed to be served? A. No.

Q. They would come in and go directly? A. What do you mean?

Q. Where would they stop — what would be their last stop before going into the extended areas for AB&W? A. Those buses that might be added or extended to 15th and K Street would come right up 14th Street, would not go to 12th and Penn. But there will be buses going to 12th and Penn, or 13th and Penn.

Q. Well, then, would any of the AB&W buses by-pass 12th and Penn stop on their way to the additional areas? A. No, they wouldn't go to 12th and Penn. The buses going to 15th and K or 17th and L, whatever the case may be, would come right in 14th and go to that particular terminal.

Q. Well, then, in response to a question a few minutes [146] ago, when I asked you whether all buses would continue to stop at 12th and Pennsylvania, even those involved in the route extensions, I gather your answer should be amended to indicate that some AB&W buses will not stop at 12th and Penn, or would you correct it whatever way is appropriate? A. I didn't know you said all buses. You said will it still be maintained, the stops maintained and the terminal maintained. My answer is "Yes," the terminal will stay there, and the bus stops along the route will be maintained.

Q. I should develop that a little further. You propose to extend the routes of AB&W which now terminate at 12th and Pennsylvania, correct?

A. I'm sure these routes will continue to terminate at 12th and Pennsylvania, and that there will be an extension to the 17th and K area.

Q. I'm sorry, did you say they would terminate at 12th and Pennsylvania and then be extended? A. No.



Q. Will you explain what you mean, then? A. All right. There is a route, let's say, that comes from Virginia and goes to 12th and Penn. That route will continue to go to 12th and Penn, so there is no change in the route. Now there will be also an extension of service from 14th and Penn to the 17th and K area.

Q. From 12th and Penn? [147] A. No.

Q. Fourteenth and Penn? A. Fourteenth and Penn.

Q. Is it your proposal, then, some service from Virginia that would go to the new areas would not stop at Pennsylvania Avenue? A. I haven't made any service recommendations. All I'm making is a recommendation concerning route extensions. Now how much service must go down to 17th and K, I have not made any recommendations.

Q. Do I understand that the route to be extended into the additional area on AB&W will represent extensions of those routes which go to Fourteenth and Penn, and are at that point extended to the new area — that is to say, are you going to take the service that now goes to Fourteenth and Penn, some of it, and instead of having it continue on to 12th and Penn have some of that service go up to the new area? A. Of course I haven't made any service recommendations. I just made route recommendations, that the AB&W be granted authority by route authorization to extend service to the 17th and K Street area. Now, as to what buses will go up there I don't know. I haven't made any study in that connection.

Q. But I'm trying to determine whether you contemplate all of the existing service which now ends up at 12th and Penn would continue to go to 12th and Penn before going into [148] the new area, or whether you contemplate that some of that service would drop 12th and Penn as the last stop and continue directly from 14th and Penn? A. I haven't made that study, but I would imagine some of that service that now goes to 12th and Penn would go to 17th and K Street — some of the buses — but the route would still go to 12th and Penn.

Q. I don't understand what you mean by the route would go to 12th and Penn, if those particular buses or those particular routes don't go to 12th and Penn? A. The route still goes to 12th and Penn, Mr. Spear.

Q. The route goes to 12th and Penn but the buses don't go to 12th and Penn? A. The buses go to 12th and Penn, too.

Q. Not all routes would go to 12th and Penn? A. All routes will go to 12th and Penn that go to 12th and Penn now.

Q. Mr. Overhouse, I think I'm beginning to understand now the perhaps ingenuity, the ingenuous manner in which you are now by-passing the so-called public convenience and necessity hearing by calling everything route extensions when they are really route changes.

MR. KAHN: I object to that. Excuse me, Mr. Spear.

MR. SPEAR: I want to develop the question a little further if I may.

[149] MR. KAHN: I object to the characterization as propounded. If Mr. Spear has questions to ask Mr. Overhouse, well and good. But I object to the characterizations he makes.

MR. SPEAR: I think they are complimentary.

MR. KAHN: You should save them, Mr. Spear, for argument.

BY MR. SPEAR:

Q. I have to ask some more questions, Mr. Overhouse, I am beginning to catch on to what I think is your proposal. The reason I couldn't understand it before was I didn't realize you were using the word —

MR. KAHN: Is this a question, Mr. Spear?

MR. SPEAR: I'm trying to explain why I'm going to pursue the questions further. I will get on.

BY MR. SPEAR:

Q. Mr. Overhouse, would you explain further what you mean when you say that although some of the buses that get to 14th and Penn will continue on into the new area, and not go to 12th and Penn, nevertheless you regard the route as going to 12th and Penn? Would you explain what seems to me to be an inconsistency? A. Well, the inconsistency is this. You are talking about service, and routes, and trying to make them

synonymous, and they are not. Service is the frequency of service over a particular route, and route is the authorization, or the streets over which the vehicles travel. So the route will [150] be the same to 12th and Penn, and there will be vehicles traveling over that route to 12th and Penn. Now, what I am suggesting to the Commission: They give AB&W the authority, by route authorization, to go from 14th and Penn, down to the 17th and K area. Now, as to the number of vehicles that will operate there, the Commission need not make a finding or order AB&W to operate any amount of equipment at this time. I'm not proposing that the Commission do that. Only that they give them the authority by route authorization. In other words, I feel that AB&W has the authority in its certificate, but I want to get it by route authorization which is the administrative function of the Commission.

Q. You regard that as a route extension, not a route change? A. That is right, yes.

Q. Is it not a change for those buses who instead of going to the new area from 14th and Penn would have gone to 12th and Penn? Is that not a change? A. If that is the case, but I don't know which buses will not go to 12th and Penn, or 13th and Penn, will go to 17th and K. I haven't made such a study.

Q. No, but there will be some changes in services from the 12th and Penn terminal point, there will be some changes in service, in some of the buses, for those who don't go over the 12th and Penn, but go up to the new area, is that [151] correct? A. If that is the case. If some of those buses now going to 12th and Penn go to 17th and K, then of course those particular buses will not go to 12th and Penn, and that will be the change, if that is the case. I don't know how AB&W plans to provide this service. They might put on extra buses, for that matter. I don't know how they plan to do it.

Q. Have you considered in your proposal whether or not the carriers involved have the equipment to provide the additional route service? A. I haven't made that study, no.

Q. Have you considered in your study the effect on passengers intending to go to 12th and Penn who now will not be able to get to 12th and Penn, but will have to get off at 14th and Penn? A. I say this. If there is a sufficient volume of passengers that want to go to 12th and Penn, AB&W will provide that service, will provide satisfactory service to the 12th and Penn area.

Q. No, but have you considered the public inconvenience for those passengers intending to go to 12th and Penn who come in on routes that will now stop at 14th and Penn and continue to the new area? A. Maybe it might not be an inconvenience, it might be a convenience, it might be more frequent service, Mr. Spear. [152] If they put on additional buses, that will be a convenience to them, rather than an inconvenience to them.

Q. Your study was based on the basic premise you were seeking to determine the volume of traffic to points within three blocks of destination, is that correct? A. Well, the purpose of my study was to determine if there were a sufficient number of people who might wish to go to that area, to warrant a route extension or a route authorization.

Q. And your standard for the service requirement was that it go within three blocks of ultimate destination? A. Yes. I wanted to find if AB&W extended their service to the 17th and K, how many people whose destination was within three blocks of that route were involved, and that was the purpose of the study to find out how many of those people would be involved.

Q. Did you consider what effect there would be on the three block limit for those passengers coming in and having to get off at 14th and Pennsylvania who might otherwise have intended to go to 12th and Pennsylvania? A. Of course I don't know whether those people will have to get off, because there may be another bus running right along with that particular bus that goes to 12th and Penn. I don't know what the service is going to be. I can say this, that AB&W will provide a satisfactory service to 12th and Pennsylvania [153] — adequate service.



Q. You say another bus running along with that. Do you mean the persons would transfer at 14th and Penn to a bus that would then pick them up at 14th and Penn and go to 12th and Penn? A. I don't think I said that.

Q. You said another bus that might go to 12th and Penn? A. There might be two buses leaving Alexandria, one going to 12th and Penn and one going to 17th and K. The one going to 17th and K will get on that bus and the one going to 12th and Penn will get on the 12th and Penn bus.

Q. You are providing additional routes, not extending routes, if you are providing an additional bus to leave Alexandria and by-pass 12th and Penn. It is not an extension of the one that was going to go in, or a change in its route, it is a second bus, or an additional bus? A. Well, no, the route would be the same to 14th and Penn, and there you would branch off. One portion — we consider that a line, and then you get your routes. One route would go to 17th and K, and the other route would go down to 12th and Penn.

Q. Are you suggesting that there be duplicate departures from the given point outside the District to 1 bus going the same route in and going to 14th and Penn and the other to 12th and Penn, and that every one of the ones going to 12th and [154] Penn be duplicated to go to the new area? A. I didn't suggest that, Mr. Spear. But if the volume is there, I certainly suggest it.

Q. What about the passenger that gets on the particular departure he wants based on the new schedule of service intending to go to 12th and Penn but the bus doesn't go to 12th and Penn, but it only goes to 14th? He will be inconvenienced, won't he? A. I'm not so sure. You are putting a hypothetical case before me that I'm not sure exists.

Q. The passenger plans to go to 19th and Penn, or 10th and Penn, to the Department of Justice, for example? A. Yes.

[155] Q. If he found himself on an AB&W bus that now only stopped at 14th and Pennsylvania, and went up to the new area, he would now be outside the three-block limit whereas previously he would have been



within it, right? A. If he found himself on that bus. But if I were he, I would get on the bus going to 9th and Pennsylvania.

Q. You would have to get on the other bus, or change the time of departure? A. I'm not changing that route, it will still go to 9th and Pennsylvania, Mr. Spear.

Q. You are going to change the departure time, so that people going to 12th and Pennsylvania will always have that choice, is that your theory? A. No, I didn't say that; you said it; I didn't.

Q. Now the passenger intending to go to 18th and L on AB&W presumably would have to sit on the bus during the five- or ten-minute layover contemplated in your prior testimony, right? A. Well, let's assume if the bus has a five- or ten-minute layover, and he gets in on the inbound trip going out in the afternoon, he would have to wait five or ten minutes before it departed from the terminal.

Q. How about if he came in and were headed for 18th and L, would the layover affect him if he were inbound? A. I don't know what the layover would be in the morning. [156] It is quite possible there wouldn't be any layover in the morning. But if there is a layover, then of course the passenger would have to lay over with the bus -- if there is a layover.

Q. I think you indicated at pages 72, 73, and 74, that your proposed study does result in some percentage of passengers of AB&W being inconvenienced. Now, I think you also indicated you didn't know how many.

Since the last hearing have you made any effort to determine what percentage, if any, of those passengers would be inconvenienced by the changes in service? A. Where did I say they would be inconvenienced?

Q. Page 74 and page 73. A. The question was, how many people would be inconvenienced by the discontinuance of service you are now recommending. I don't know, I said, I didn't say. I said if it was the case I would so recommend. Therefore, I have not made a study of the number of passengers that would be inconvenienced if that was the case.

We are talking about some case. I am not saying the passenger is

being inconvenienced. Where did I make the statement, Mr. Spear? I said the passenger would be inconvenienced? I may have said it. I would like to know where I said it.

\* \* \*

[158]

REDIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Mr. Overhouse, you testified on cross-examination that the origin points stated on the cards were not considered. Is the purpose of the origin square on those cards to be used for routing purposes if the service proposed in this proceeding be granted? A. That is correct, yes.

MR. DAVIS: May I get the question again? I didn't quite get the question. I couldn't hear it.

(Question read)

MR. DAVIS: I would like to object to the answer and the [159] question, on the basis that the question itself goes beyond the scope of the direct examination.

MR. CUNNINGHAM: But it doesn't go beyond the scope, Counselor, I submit, on cross-examination.

MR. DAVIS: This is redirect, and there is nothing on redirect that is going to give him new avenues of approach.

MR. ISON: Mr. Davis, several questions were asked Mr. Overhouse on this very point on cross-examination, and I assume Mr. Cunningham is simply attempting to clarify this one issue.

MR. CUNNINGHAM: Yes, we found out what they weren't. Now we just found out what they were.

MR. ISON: Objection overruled.

BY MR. CUNNINGHAM:

Q. Does WMA Transit Company now perform in certain portions intra-District of Columbia operations? A. Yes.

Q. Did all of your answers to questions by Mr. Spear relating to

route extensions by AB&W to points and places within the District of Columbia relate solely to interstate passengers? A. Yes. Interstate routings.

Q. Will anyone now having service provided by WMA or AB&W Transit Company be deprived of that service?

MR. DAVIS: I object. How can he answer the question?

MR. CUNNINGHAM: I haven't finished the question, Counsel.

[160] MR. DAVIS: I am sorry, I withdraw my objection. I thought you had dropped your voice, Counsel.

MR. CUNNINGHAM: I may have dropped it.

MR. DAVIS: I'm sorry.

MR. CUNNINGHAM: — in the event the new authorizations are granted.

MR. DAVIS: I object. There is no basis of anything he testified to on which he can answer that question.

MR. CUNNINGHAM: I think so, Mr. Spear spent a considerable amount of time.

MR. ISON: He may answer if he knows.

THE WITNESS: I will say this —

MR. DAVIS: One moment, Mr. Examiner.

MR. ISON: Objection overruled.

THE WITNESS: If these route authorizations are approved by the Commission —

MR. DAVIS: Mr. Examiner, I direct my attention, you ruled on the question "if he knows."

MR. ISON: That is what I say, if he knows, he may answer. I have overruled your objection.

MR. DAVIS: I ask the Examiner, on that basis?

MR. ISON: That is right.

MR. DAVIS: All right.

MR. KAHN: Before we continue, Mr. Davis entered an appearance for WV&M Coach Company, intervener. I think we ought to [161] have a

statement on the record what are the interests of WV&M. I am a little confused on the objections to this type of questioning. If he enters an appearance for D.C. Transit I would understand, but his appearance in this case is for WV&M, and as a respondent in the case we are entitled to know what the interest of the intervenor is.

MR. DAVIS: Mr. Examiner, I believe we were required to express exactly what our interests are at the termination of the hearing, not during the course. However, in order to expedite matters, I would say WV&M feels it is going to be directly affected by the purposes of this investigation more particularly if the recommendations of the engineering staff were approved.

Secondly, as is well known to this Commission, WV&M is owned to a great extent by D.C. Transit. The Commission would also note that the motion which was filed with this Commission bore my name as well as that of others representing D.C. Transit.

I have made it known to this Commission in previous matters pending before the Commission that I do represent D.C. Transit as well as WV&M, but that Mr. Spear is counsel in chief and will conduct the hearing as far as D.C. Transit is concerned. My interests will run to that of WV&M on its direct examination — on its evidence.

MR. ISON: Mr. Davis, what effect will the granting of this route extension — what effect will it have on WV&M Coach [162] Company?

MR. DAVIS: I will disclose that when we put our witnesses on. I don't have to disclose that now, sir. I don't have to put my case on now, Mr. Overhouse is on the stand, and Mr. Kahn asked the question.

MR. ISON: I thought you volunteered to explain your role here.

MR. DAVIS: Only as a lawyer, as to the interests of the WV&M, and I can assure you before the hearing is over the interests of WV&M will be fully disclosed.

MR. KAHN: Thank you.

MR. ISON: All right. Mr. Overhouse, do you have the information to answer that question? If you have, you may answer it.

THE WITNESS: It is sort of hazy now, but I will attempt to answer the question.

MR. CUNNINGHAM: Let him repeat the question, Mr. Overhouse.

MR. ISON: Do you know?

THE WITNESS: The question?

MR. ISON: Yes.

THE WITNESS: As I started to say, if the Commission grants route authorization to these carriers, these carriers will provide an adequate service for those patrons who are now using their service.

\* \* \*

[163]

WILLIAM D. HEATH

\* \* \*

#### FURTHER CROSS EXAMINATION

BY MR. SPEAR:

[164]

\* \* \*

Q. Now, I think later on you indicated it was your judgment there had been about a 70-percent increase in employees in the five zones — I think pages 91 and 92. Then that, as far as you knew, there had not been any additional terminals opened in the area, is that correct? A. Yes, that is right.

Q. Do you know whether or not apart from terminals there have been any additional buses or bus routes put on by any or all of the companies in these five zones since 1955? A. I would have to answer that I do not know.

Q. Now, at page 93 of the transcript, I think in response to questions by Mr. Kahn, you were queried about the areas in which the people live who are going to be in those zones. Do you have any idea in what areas the people who are going to be populating this area live, or from what zones they come to work? A. No.

Q. Have you made any effort to determine those facts? A. No.



[165] Q. Do you have any idea whether the percentage which will come from the routes of AB&W is large or small?

MR. CUNNINGHAM: I object to that question. He already testified he has no knowledge.

MR. ISON: Objection sustained.

MR. SPEAR: I am asking now whether he has any idea whether it is a small or large percent.

MR. ISON: Mr. Spear, he answered he did not know.

MR. SPEAR: Can't I probe that a little bit? Can I see whether --

MR. ISON: If Mr. Heath wants to venture a guess on it, he may answer.

MR. SPEAR: I don't want a guess, really.

BY MR. SPEAR:

Q. When you said you did not know, do you have any indication at all, or any information at all on that? A. No, sir.

Q. In preparation for your testimony in this proceeding did you inquire as to what percentage of those people lived in the AB&W or WMA areas? A. No, sir.

MR. SPEAR: That is all, Mr. Examiner.

MR. CUNNINGHAM: I have no redirect. Thank you, Mr. Heath. I appreciate it very much.

MR. ISON: Thank you, Mr. Heath.

[166] (Witness excused)

MR. ISON: Mr. Hanson.

Whereupon,

~~[166]~~

DANIEL J. HANSON

was recalled as a witness and, having been previously duly sworn, was examined and testified further as follows:

MR. ISON: Mr. Kahn has already cross-examined Mr. Hanson.

MR. KAMEROW: No questions.

## FURTHER CROSS-EXAMINATION

BY MR. SPEAR:

Q. Mr. Hanson, at page 98 of the transcript, I think you indicated you had some personal observations as to the travel habits of people who were disembarking from buses at the points at which you stood to observe them, and that it was your observation a goodly number of people who presently use AB&W and WMA make their trip in two parts. Do you remember that testimony? A. Yes, sir.

Q. I wonder if you could explain for the record what you based your personal observations on? Did you talk with any of the passengers? A. Yes, I did. We have a considerable number of our people who make regular traffic studies, including pedestrian counts at intersections along Pennsylvania Avenue, and in connection with this work I visited the field on several occasions [167] with some of our people who work with transit people, and did actually observe people crossing a number of intersections in the directions in which they proceeded to and from bus terminal points, morning and evening, and I did have occasion to talk to some people who do live, in my particular case there were people who lived in the State of Virginia who use this service, and I did discuss their —.

Q. How many people would you say you talked to in all? A. Half a dozen.

Q. Six people? A. Six or eight people.

Q. Eight. Maybe five? A. No, six or eight.

Q. And in talking with eight people, you formed a personal observation as to what this Commission should do about the routes affecting AB&W and WM&A? A. This was substantiated by the field work conducted by other members of my staff, including the pedestrian counts, and likewise field observations of where these people go to as they leave these bus facilities.

Q. What do you mean by pedestrian counts? Do you mean counting the number of people going in certain directions? A. These are inter-

section studies of people crossing particularly the busy streets in downtown Washington, where they came from, and in which direction they proceeded, and in some [168] cases whether they crossed a single street, two streets, or a series of streets.

Q. Do you have available in this hearing the bases upon which you formed your observations as to the traffic habits of people coming in from Virginia, which you are referring to in the record at page 98? A. No, sir. We entered no documents in testimony in this hearing.

Q. Do the studies that you have made indicate the destination requirements of these people and the source from which they came? A. These studies are not what you would call origin and destination, they are individual spot location studies, supplemented by personal field observations of our people, but they do not indicate specifically a final destination of any particular individual.

Q. Then you have made in connection with your testimony in this proceeding — you and your department have made no origin and destination studies of the traffic habits of the people involved? A. We have in the connection of regular traffic counting programs, such as all of the vehicles that come across the Potomac and Anacostia River bridges, and a listing where they come from, and how many of them there are, but specifically at this location, no.

[169] Q. I was really referring not to automobile origin and destination but bus transportation in connection with this particular proceeding. You made no origin and destination studies of bus passenger traffic habits along the routes involved in this proceeding, have you? A. No, we have not.

\* \* \*

#### REDIRECT EXAMINATION BY MR. CUNNINGHAM

Q. Mr. Hanson, when you talked to these people did you feel six to eight interviews were representative of the riders of the two bus companies? A. No, but I do feel this personal experience on my own part, coupled with similar experiences of our people, three or four of them, who do this work on a regular basis, did give us a basis for some opinion regarding this matter.

Q. When you talked to these people, did you discuss with them the proposals under consideration here today? A. Not specifically. We discussed the question of where their terminal point in the downtown area was, and where they presently had to go in order to take advantage of mass transportation.

[169-A] Q. Did they indicate to you whether or not they were satisfied with the situation the way it exists? A. Most of these people did indicate that they were not satisfied, that they would prefer to have the bus take them directly to the front of the building, or as near as possible to the building in which they worked.

Q. That was on a direct through-ride basis rather than a series of transfers or walking? A. This is correct. There is a great desire on the part of the people that we talked with to have a single ride basis, rather than transfer, or the complaint most often registered was crossing several busy streets in downtown Washington on foot.

MR CUNNINGHAM: That is all I have. Thank you.

MR. ISON: Are there any more questions?

MR. KAHN: No questions.

MR. ISON: Thank you, Mr. Hanson.

(Witness excused)

[173]

RICHARD F. LAWSON \* \* \*

[174]

CROSS-EXAMINATION BY MR. CUNNINGHAM:

\* \* \*

Q. On page 3 of your exhibit you make the statement beginning in the first sentence at the top of that page that it is significant, et cetera. Would you explain to me what is significant about those [175] figures? A. Well, it is significant that 581 persons were indicated in the report as going to other destinations than in the District of Columbia other than the 18th and L area.

Q. Are you saying because 13 percent of those people would not be adequately served, even after the proposal was granted, that because of this fact, an additional 25 percent should not be served? A. No, I just say it is significant to point out that these 581 persons are going to other points in the District of Columbia and will not be adequately served, according to the report.

Q. Do you know of any bus company that provides direct one-bus, one-rider service for 100 percent of its patrons? A. No, sir.

Q. Do you think it significant that 25 percent of those returning inquiries say they are not adequately served? A. It is significant, yes.

Q. Is it your bus company's practice to try to provide the best service possible to the patrons it serves? A. We have always tried to do so, yes.

Q. And within certain limitations, do you feel it desirable to provide one-bus, one-rider service? A. To the extent possible and economically feasible, we believe that it is, yes.

[176] Q. Is this certainly a milestone in which all bus companies should seek to serve? A. I would say so, yes.

Q. This tentative inbound schedule you have drawn up, I find that nowhere within the four corners of your testimony. Do you have it available for scrutiny? A. No, I do not.

Q. Well, would you describe this schedule for us, so we know what you are talking about? A. This is just merely providing a schedule for the 1110 persons shown in the Commission's report as wishing a ride into the 18th and L area, and it takes 16 trips in the rush hour to handle this amount of passengers. We provided 16 trips in the rush hour, both inbound and outbound, to take care of this number of passengers.

Q. Now, from where inbound would this schedule operate? A. For the purpose of this estimate, the schedule — we took a schedule which now provides a half-hour service and extended that, and then filled in the number of trips which it takes to carry 1110 passengers from the Virginia end of the 14th Street Bridge.

Q. This is what I'm trying to get you to tell me. Which schedule did you take? I don't even know where the bus begins and how it goes into the District. A. Well, it is the schedule that comes through Shirley [177] Highway.

Q. From where? A. From downtown Alexandria, it comes through



Janney Lane, Quaker Lane and Park Fairfax to Shirley Highway and into Washington.

Q. Do you know how many of these 1110 people would be served as a point of origin by this proposed schedule you have drawn up? A. I do not.

Q. You just assumed then all 1100 of them live on the schedule you theoretically conceived? A. No, sir. I believe that the majority of people are all over our area, and would necessarily have to transfer to a schedule to go to 18th and L.

Q. Have you looked at the survey cards at all? A. No, sir.

Q. You have no idea where their point of origin is located? A. No, sir.

Q. Do you operate any service in which you provide rush-hour service only? A. Yes.

Q. In other words, you operate service in the rush hour which you do not operate in the non-rush? A. In some particular instances, yes.

[178] Q. And yet you saw fit in this particular schedule you drew up for this proceeding to put a non-rush-hour schedule in? A. Yes, sir. We feel if we are compelled to go into this area, that there should be midday service to go along with it.

Q. In predicated this schedule, did you add any additional passengers to be derived from this non-rush-hour service? A. No, sir.

Q. You just took the figure 1110? A. That is correct.

Q. Did you understand from Mr. Overhouse's testimony the 1100 people originated 6:30 to 9:30; that is, the rush-hour period? A. That is correct.

Q. Yet you took no non-rush-hour schedule to provide this service for the people? A. All I did was provide a half-hour schedule during the middle of the day.

Q. Based on the number of people indicating they would travel in the rush hour only? A. Indicating nothing, it was a half-hour schedule during the non-rush period.

Q. What figure did you use to compute the number of people to be transported? A. I didn't compute any people. I provided a half-hour policy headway.

[179] Q. That is in the non-rush-hour period? A. In the non-rush-hour period.

Q. How often is the service to be provided in the rush-hour service? A. In the rush-hour service, beginning at 6:30, it would provide a 15-minute service up until 7 o'clock, and then a 10-minute service until approximately 9:15, I think it was, and then a trip at 9:30, and then a half-hour service until 3:30 outbound in the afternoon.

Q. Mr. Lawson, you have had a few years' experience, as I understand it, with the transit industry. Has it been your experience that when transit service is improved, that is, the length of time it takes to go from between two points is improved, the number of transfer points are reduced, or the fare is reduced? Do you find an increased number of people patronizing that service? A. That is true, but we have no indications of what it will be at this point.

Q. Whenever you improve your service, you find patronage is increased? A. Generally.

Q. Relating to your concluding paragraph on page 4, and your disclosure of transfer points, would you tell the Commission what you have in mind as to transfer points for people riding from Virginia destined to this 18th and L Street [180] destination? A. Is that paragraph on page 4?

Q. The concluding paragraph.

MR. KAHN: The bottom of the page.

THE WITNESS: Well, a convenient transfer point will have to be established between any service that goes to 18th and L, and service from the other areas which we serve in Virginia.

BY MR. CUNNINGHAM:

Q. If someone boards your bus in Alexandria destined for 18th and L, is there any necessity for transfer? A. It depends on what part of

Alexandria. This particular line operates through a portion of Alexandria.

Q. It is conceivable, is it not, Mr. Lawson, there will be more than one route involved? A. Well, it is conceivable.

Q. In fact, it is probably probable, is it not?

MR. SPEAR: Off the record, what does "probably probable" mean?

THE WITNESS: Well, of course --

MR. CUNNINGHAM: He understands my language.

THE WITNESS: If the object is to take service from other lines and convert them to service to 18th and L, it certainly is going to inconvenience passengers on those particular lines riding east of 14th Street. It also -- and it widens the headways for those particular routes. Therefore, that service becomes [181] less attractive to the public. If service from other lines, or all lines, are diverted to 18th and L, it is going to provide wide headways on those particular lines to 18th and L, so that people from all over the area are going to have to transfer to get to 18th and L, or to this particular line.

Q. That is assuming, of course, that the amount of patronage is so small as to require that? A. I think that is exactly what will happen, regardless of the patronage.

Q. Mr. Lawson, if the survey cards should reveal that there are approximately 60 people desiring to go from Alexandria to the same 18th and L destination in Washington, would you be willing to provide the bus necessary to transport those people?

MR. KAHN: I object to the question because it doesn't say, do they all intend to move at the same time.

MR. CUNNINGHAM: All at the same time. Thank you, Counsel. I appreciate that.

THE WITNESS: Well, I think it is highly improbable that they would all from a particular point want to ride to 18th and L at that particular

time. In the overall, I do not believe we should extend service to 18th and L Street.

BY MR. CUNNINGHAM:

Q. Under any circumstance? A. Yes.

Q. Even though, if there were a sufficient number of ]182[ people to fill a bus, to travel from a centralized point of origin to a centralized point of destination, to arrive at the same time? A. Well, here again, this is a hypothetical thing, and I don't feel that we are going to find that you will have this many people at one particular time at one particular location that want to ride to this particular point. I think if the service is to be extended, it has to be done on a regular scheduled basis and provide a regular schedule to and from this point. I think the same thing can be accomplished by working out more convenient transfer arrangements in the District of Columbia with the present carriers.

Q. Have you made any arrangement to do this or any effort to do this in the past year? A. Not to my knowledge in the past year, no.

Q. Have you done anything in the past five years? A. No.

Q. Are you aware of testimony by prior witnesses that there has been a tremendous population explosion in the number of employees working in the 18th and L area? A. I am aware of that, yes.

Q. Have you been aware of this for some time? A. Yes.

\* \* \*

[183] Q. I note you make the statement that you have requested and received approval from the Commission to make extensive [184] revisions on your routes. And also extensions to those routes. May I ask for what purpose this was done? A. This was done to provide service and to additional apartment facilities, very large shopping areas in the City of Alexandria.

Q. Was it also done for the convenience of your existing passengers? A. Yes.

Q. Take them where they wanted to go when they wanted to go? A. That is correct.

Q. I would like for you to explain your last statement that the concept proposed by the staff would require a vast majority of your riders to transfer. A. It was my understanding from Mr. Overhouse's testimony that the company would not be required to run all of its service to this particular point; that it would be a service from one line or two lines, and therefore if this is the case, many, many people from all over our operating area who ride other lines would necessarily have to transfer to get to this particular point.

Q. You understand the staff proposal then to be an elimination of service over certain routes? A. No, I didn't say that. I understood that—

Q. Well, if two buses come down the street, one marked [185] in the existing fashion, and another one five minutes later labeled 18th and L, is there any reason to suppose there will be a vast majority of the people boarding the 18th and L bus who are destined to the places presently served? A. Those people now ride into 12th and Pennsylvania Avenue, or as far down as 7th and Independence Avenue, and if one of these buses is changed, to operate straight up 14th Street, certainly those people who ride that particular trip are going to be inconvenienced by having to get off at 14th Street.

Q. In your computation you just added vehicles, did you not? Are these 45 vehicles removed from service that you planned? A. I don't have anything in here about 45 vehicles.

Q. Oh, I'm sorry, I thought you had 45.

MR. KAHN: 45 schedules.

MR. CUNNINGHAM: 45 schedules, yes.

BY MR. CUNNINGHAM:

Q. Where are you going to get the buses to run this schedule you propose? A. We will have to buy some.

Q. You are not talking about deleting it from present service? A. A portion of it.

Q. A portion of it would be? A. Yes.

[186] Q. You speak of the vast majority of the AB&W patrons having



to — being required, rather, to subsidize the route extension. That is all on the assumption, of course, the extension does not generate new traffic to offset the cost of any new operation? A. That is right. I don't believe enough additional traffic will be generated to offset the cost of the extension.

[187] Q. How much new traffic did you take into consideration? A. I didn't take any into consideration?

Q. Well, now, you made the statement, Mr. Lawson, the vast majority will have to subsidize it? A. The present users of our service. They are using our service at the moment.

Q. Yes, that is the 1110 you are speaking of? A. That is correct.

Q. Mr. Overhouse also testified in addition to other witnesses that there would probably be a number of new patrons introduced to your service because of the proposed service. A. There probably will be, but I don't believe there will be sufficient numbers to justify the expense of the extension.

Q. Well, it is your premise then, the vast majority will have to subsidize the extension, is really not based on any given number of people? A. That is correct.

Q. It is merely based on your opinion the extension would not generate new traffic — A. Yes.

Q. — sufficient to cover the cost? A. Sufficient to cover the cost.

Q. Mr. Snyder, I take it, has actually sat down and [188] computed the dollars and cents figures involved? A. Mr. Snyder has the costs involved, yes.

\* \* \*

[189]

GEORGE R. SNYDER

\* \* \*

[190]

## CROSS EXAMINATION

BY MR. SPEAR:

\* \* \*

[193] Q. Is it the company's position that if this route extension is ordered that the company will not request any fare modification for the additional service to be performed? A. I cannot answer that question. I do not represent the company in that respect. I'm an independent Certified Public Accountant.

Q. Mr. Snyder, do I understand from your statement that the loss that the company would sustain from the proposed additional services contemplated would be \$45,000, approximately? A. That is approximately the minimum loss, yes.

MR. SPEAR: That is all.

MR. ISON: Mr. Cunningham. Mr. Kamerow, do you have any?

MR. KAMEROW: I have no questions.

## CROSS EXAMINATION

BY MR. CUNNINGHAM:

Q. Mr. Snyder, how did you arrive at the figure of 22.8 additional miles? [194] A. The figure furnished by Mr. Lawson of the traffic division.

Q. In his prior testimony? A. He gave it to me before he ever testified.

Q. This is not your figure? A. Oh, no, I say it was furnished by the traffic department of the AB&W.

Q. Will you tell me where you got the 49 and 5/6th additional man hours? A. I got that from within the traffic department.

Q. Is that figure substantiated in evidence in this proceeding to date? A. I do not know.

Q. How did you determine the company would need one additional dispatcher? A. By discussion with the traffic department.

Q. Has Mr. Lawson testified here today in relation to this? A. I don't know.

Q. Where did you arrive at the figure of needing a minimum of four additional buses? A. Mr. Lawson gave me that figure.

Q. That figure has not appeared in this record? A. He testified to that, I know. [195]

Q. He did? A. It is in his statement.

MR. KAHN: The mileage is in there, too, in the statement?

THE WITNESS: Yes, the mileage is in the statement.

MR. KAHN: And the statement also refers to the fact additional personnel will be needed.

THE WITNESS: At the top of page six.

BY MR. CUNNINGHAM:

Q. You yourself have no idea how this was broken down and arrived at? A. No, I asked Mr. Lawson to tell me how many additional miles it would be necessary to operate this service, how many additional man-hours, because it looked to me like he would need an additional dispatcher, and he said he would, and I asked him how many additional buses would be necessary, if any, to furnish the service.

Q. Did I understand you to say it looked like to you you would need an additional dispatcher? A. There is very little I know about it. I know if they are running to 18th and L, they would have to have somebody to dispatch those buses out in the evening. I knew it was at a transfer point or somewhere in the District to go to, they would have to have a dispatcher to load those buses. That is very little I know about the transportation end of it. That is one thing I have learned.

\* \* \*

[196]

RICHARD F. LAWSON

\* \* \*

CROSS  
DIRECT EXAMINATION

BY MR. CUNNINGHAM:

[197] Q. Mr. Lawson, would you explain to the Commission how you arrived at the additional daily mileage of 222.8 miles? A. As I said before, we took the schedule which now provides a half-hour service via

Highway Bridge. We supplemented that with additional trips from the south end of Highway Bridge to 18th and L Street. We calculated the difference in the mileage on the present half-hour schedule between the mileage from the south end of the bridge to 18th and L, less the present mileage from the south end of the bridge via the present route, and added to it the mileage for the supplemental trips, which is a minimum figure.

Q. In your opinion it is a minimum figure? A. In my opinion.

Q. All your testimony and figures are based on this hypothetical schedule you developed? A. Well, this is the schedule — it is not hypothetical.

Q. Oh, it is not? A. No. It is an actual schedule.

Q. It is an actual schedule running now? A. No. It is a schedule we prepared and put together.

Q. It is not presently in use? A. No, it is not.

Q. It was developed solely for the purpose of developing this testimony here? A. That is correct.

[198] MR. KAHN: I think, Mr. Examiner, and Counsel for the Commission, Mr. Lawson ought to indicate whether or not they actually measured the distances of this particular route by some method.

THE WITNESS: Yes, we did. We measured it.

BY MR. CUNNINGHAM:

Q. By ruler or odometer? A. By a car speedometer.

Q. Will you tell us how you developed the man-hours? A. The schedule was broken down into runs, per man, and the hours were developed in the usual manner of breaking a schedule down into a day's work for the operators.

MR. KAHN: Mr. Cunningham, excuse me, I think we ought to have in the record what is a "run." You use terms that may be known colloquially in the trade.

THE WITNESS: A run is a day's work for a bus operator.

MR. KAHN: All right, fine. Thank you.

BY MR. CUNNINGHAM:

Q. When you developed this mileage, what was the figure arrived at from the south end of the bridge to 18th and L? A. 6.4, a round trip.

Q. And what was the present figure that you deducted from the south end of the bridge? A. 4.4.

Q. That was to 12th and Penn? [199] A. That is correct.

MR. KAHN: Maybe it would be helpful if we went off the record.

MR. ISON: Off the record.

(Discussion off the record.)

MR. ISON: Back on the record.

THE WITNESS: We built the schedule as explained.

MR. CUNNINGHAM: I haven't asked a question.

MR. ISON: Are we off the record or on the record?

MR. SPEAR: I suggest we go on the record.

MR. ISON: Let's go off the record a minute, maybe he can explain it a little bit better.

(Discussion off the record.)

MR. ISON: Back on the record.

BY MR. CUNNINGHAM:

Q. Do you know whether the revenue stated in here includes revenue from the base period? A. In here, what do you mean?

Q. In Mr. Snyder's testimony. Did you give him this figure? A. Yes.

Q. Did you develop that from the non-rush? A. There are no figures in there that show any additional revenue.

Q. As I understand your expenses relate to both rush [200] hour and non-rush hour on your hypothetical line? A. That is right.

Q. Yet you did not include any revenue for the non-rush hour? A. No, I didn't.

MR. CUNNINGHAM: That is all I have of this witness.



MR. ISON: All right, Mr. Snyder, will you resume the stand?  
(Witness excused.)

GEORGE R. SNYDER

was recalled to the witness stand and having been previously duly sworn,  
was examined and testified further as follows:

MR. ISON: Cross examination of Mr. Snyder will be resumed.

MR. CUNNINGHAM: I have no further questions of Mr. Snyder.

MR. ISON: All right.

MR. SPEAR: I would like to have Mr. Lawson come back as a result of testimony just developed that would be really better for Mr. Lawson than Mr. Snyder.

MR. KAHN: Is Mr. Snyder excused then?

MR. ISON: Mr. Snyder will be excused if no one has any questions.

MR. CUNNINGHAM: As far as I'm concerned.

MR. ISON: All right, Mr. Snyder, you are excused.

[201] (Witness excused.)

RICHARD F. LAWSON

was recalled to the witness stand and having been previously duly sworn,  
was examined and testified further as follows:

MR. ISON: All right, Mr. Spear.

CROSS EXAMINATION

BY MR. SPEAR:

Q. Mr. Lawson, I was interested in a certain part of the description that you gave and analyzing the background behind the cost data. Do I understand correctly your computations and projections for the routes and services that would be necessary would require that a large number of passengers going to 18th and L from AB&W routes would have to make a transfer in Virginia to the through service in order to get to 18th and L from the areas of Alexandria and other places? A. Yes.

Q. In fact, that would be a substantial number, would it not, of the passengers going to 18th and L that would be making the transfer in Virginia, wouldn't it? A. Yes.

Q. Would you give us an idea of whether that number would be 90% in your estimate, or would it be 50%, or could you give us any estimate of the approximate number? A. I haven't made any study of it at this point. I [202] can't give you how many it would be.

Q. But it would be substantial? A. It would be substantial.

Q. Now, at the present time, that same group that we are talking about, that is, those who would be going to 18th and L, from your origin points, now get to 18th and L by using existing service and making a transfer on the District side of the Potomac, right? A. That is correct.

Q. Is it true, then, under the proposed service contemplated by the AB&W under the intentions of this hearing, the transfers would be changed from transfers on the District side to transfers in Virginia?

A. First let me say we are not proposing any service.

Q. I meant proposed by the Staff. A. Yes.

Q. Under the proposed route extensions of the Staff, transfers would be required for substantial number, but they would be transfers that would be taking place in Virginia, now, instead of in the District?

A. That is true.

\* \* \*

[210] Q. Mr. Lawson, you have made certain assumptions — you and Mr. Snyder made certain assumptions in making your computations today, assumptions that would include transfers by some of your riders from other routes and buses to the one going to 18th and L. Now — that is correct, is it not? A. That is correct.

Q. Now, if all of your routes from Virginia into the District, which now terminate at 12th and Pennsylvania — if all of those routes were to be extended to 18th and L, would the loss which you and Mr. Snyder project be greater? A. Yes, it would.

Q. Could you give any idea as to the approximate amount of that additional loss? Would you say it would be double, for example, the loss in Mr. Snyder's testimony, or more than double? A. I don't have any idea at this moment, but it would be considerably more.

Q. Might it be so great that it might be necessary for AB&W to request a fare increase for that service? A. If all the routes were extended.

Q. If all the routes were extended? A. It is possible.

MR. SPEAR: That is all.

#### REDIRECT EXAMINATION

[211] BY MR. KAHN:

Q. Mr. Lawson, do you have a copy of Mr. Snyder's statement, Exhibit 9? Mr. Snyder testified while you were in the hearing room that his computations with respect to revenues over these extended operations did not include non-rush hour. Do you recall that sir? A. Yes.

Q. Assuming, Mr. Lawson, that in the non-rush hour there were a number of people moving from Virginia to points on this extended route, have you estimated what you consider from your experience a reasonable number who might use the non-rush hour? A. Yes, an estimate.

Q. What was the estimate? A. I would estimate approximately 10 passengers per trip.

Q. All right. Now, as I understand Mr. Snyder's computation, it includes revenue through 9:30 a.m., and commencing at 3:30 p.m., is that correct, sir? A. Yes.

Q. Would you tell us quickly how many trips would be operated by AB&W from Virginia into 18th and L after 9:30 and before 3:30? A. About 6 trips.

[212] Q. It would be 10? A. It would be 10 trips, yes.

Q. Ten in each direction? A. Yes.

Q. So that would be twenty trips, or two hundred passengers, is that correct? A. Yes.

Q. All right. Now, Mr. Snyder has used the computation of 252, which would be the week days in the year? A. Yes.

Q. That would be 50,400 persons moving in the non-rush hours per year, is that correct? A. Yes, approximately.

Q. Assuming those passengers were presently interline passengers with D.C. Transit, and then they converted from a D.C. Transit interline passenger to an AB&W passenger, the company would receive three and three-fourths cents, is that correct, sir? A. Receive three and three-fourths cents for passengers utilizing the token fare.

# RECROSS-EXAMINATION

[215]

BY MR. CUNNINGHAM:

Q. Mr. Lawson, are these 10 riders you are talking about in the non-rush, are they present riders diverted from other lines or new riders? A. They could be ~~either~~ *either*.

Q. They could be either? A. They could be either, but we are assuming that we would get 10 additional riders on this midday service.

[216] Q. Well, would it be safe to say five of those might be new riders and five just diverted from other sources? A. Well, on the basis of this computation, we estimated there would be ten additional riders on these midday trips.

Q. Ten that are not now using the service? A. That is correct.

Q. If that is the case, then, would you not receive 26-1/4 cents from those new people that are not now using your service?

MR. KAHN: Mr. Examiner, the ten is the present users of the service, they are not additional, they are not new riders.

THE WITNESS: That is right.

BY MR. CUNNINGHAM:

Q. Your answer is now changed to that of your counselor? A. Yes. The computation is based on ten present riders who would want to go to the vicinity of 18th and L Street. We have made no computation for additional riders.

Q. Even though you are putting on additional equipment? A. Not in the middle of the day — well, yes, we are.

MR. CUNNINGHAM: That is all I have.

MR. KAHN: Thank you. I have no questions.

MR. ISON: Any further questions of Mr. Lawson? Thank you.

(Witness excused)

[217] MR. KAHN: We would like to offer into evidence Exhibit No. 9, if it has not been received. I don't think that it has.

MR. ISON: Without objection, it will be received.

MR. CUNNINGHAM: No objection.

(The document previously identified as Respondent's Exhibit No. 9 was received in evidence)

MR. CUNNINGHAM: At this time I would like to renew my motions Exhibits 1 through 5 and No. 7 be received.

MR. ISON: Is there objection?

(Discussion off the record)

MR. DAVIS: May we have a recess, sir?

MR. ISON: All right.

(Short recess)

MR. ISON: Back on the record.

MR. SPEAR: D.C. Transit would like to object to Exhibits 4 and 5 of the staff, on the ground that they represent hearsay evidence and that no opportunity has been afforded the D.C. Transit to cross-examine the source of the survey, that is, the persons making the reports, in order to develop more completely the validity of the responses and the deductions from them.

I think I better limit my objection at the moment to Exhibits 4 and 5. We will later spell out at greater length our opposition to Exhibit No. 1. We have no opposition to Exhibits 2, 3, 6 or 7.

MR. CUNNINGHAM: In that case I will move to admit No. 6 [218] into evidence as well.

MR. ISON: Exhibits 2, 3, 6 and 7?



MR. CUNNINGHAM: I move all of them now, 1 through 7.

MR. SPEAR: We have no objection to 2, 3, 6 and 7. If you want to act on those first.

MR. ISON: You object to 1, 4 and 5?

MR. SPEAR: That is correct. I would like to give my reasons on No. 1. If you wish, I will do it now. Shall I continue?

MR. ISON: I think we should have all your objections to all the exhibits.

MR. SPEAR: We have objected to 4 and 5 on the ground they represent hearsay evidence and no opportunity has been afforded to cross-examine the source of the data. We will object to Exhibit No. 1 on the same ground, to the extent it was prepared on the basis of the questionnaire cards and data. In addition, we have other grounds for objecting to Exhibit No. 1.

If your Honor please, before we proceed to our objections to Exhibit No. 1, however, there was a statement made earlier before we recessed which I overlooked in the fast manner in which we recessed for the opportunity to examine Mr. Overhouse a little bit further so that I could determine whether or not we have — some of these objections I have to Exhibit No. 1 could [219] be cleared if I examined Mr. Overhouse further. It may not take more than five minutes.

MR. CUNNINGHAM: I would like to know what your objections are. I don't wish to embark on a fishing expedition.

MR. SPEAR: I didn't object before you made your motion, because you moved so fast before I had a chance to indicate we wanted to ask Mr. Overhouse some questions, based on the statement of the staff in the cross-examination of Mr. Lawson. I think there have been statements made as to policies of the Commission staff —

MR. ISON: I don't think it is proper to call Mr. Overhouse for the purpose of ruling whether his exhibits should be introduced.

MR. SPEAR: There is a misunderstanding. I'm sorry I got into these objections. I would like to suspend our objections because we

wanted to examine Mr. Overhouse further on the direct case of the staff before we got into objecting to the exhibits. I'm sorry we got into that.

If you want to, if he will be made available after the objections to the exhibits, there may be more reasons for objecting to the exhibits that will be developed afterwards, but I would think the orderly process would require him being called now and finished with. It would be quicker then for me to finish my objections to Exhibit No. 1.

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[223]

CHARLES W. OVERHOUSE

\* \* \*

#### FURTHER CROSS-EXAMINATION

\* \* \*

[226] BY MR. SPEAR:

Q. I would like to ask you a different question, on a different subject. Page 10, you state at lines 21 and 22 that it was your view that the service proposed should be as direct as possible without the necessity of changing buses. At page 72 you testified beginning on line 17 and thereafter, that some transfers would be required in order to effect the service, the route extension proposed. Now, do you contemplate that the transfers referred to on page 72 would be transfers within the District or in Virginia? A. First, where did I say that the transfers would have to be made?

Q. On line 20. A. I think there was a hypothetical case, as I recall. If all of the routes don't do something or other, then would this happen? I think that was the question.

Q. Is the testimony of the staff in this proceeding predicated on the recommendation that there be no transfers in connection with the extension of the routes proposed? A. No. I don't think there should be no transfers. But my recommendation is that direct service be given to the patrons that wish to go to the vicinity of 17th and K Street. Now if

there are other passengers that wish to ride and want to transfer, I have no objection to that.

[227] Q. But is it your proposal that all of the routes of the AB&W in Virginia now be extended to 18th and L? A. I haven't made that proposal. I haven't made any study as to what routes should be extended to 17th and K. The question propounded to me was, if all of the routes are extended wouldn't they have to transfer, or some such proposition.

Q. In the proposed route extensions of the staff, will some transfers in Virginia on the part of AB&W passengers be necessary? A. I don't know. I don't know what routes will come in to serve 17th and K Street.

MR. SPEAR: That is all the questions, Mr. Ison. Thank you.

MR. CUNNINGHAM: I have no questions.

MR. ISON: Okay.

(Witness excused)

MR. SPEAR: I would like to pick up then with our objections to Exhibit No. 1. First, we will repeat the objection that it is based upon hearsay evidence. It is based upon the studies of the questionnaire cards and the results of Exhibits 4 and 5, which are the maps resulting from the questionnaires.

Secondly, we object to Exhibit No. 1 because it fails to take into account in its recommendations all of the factors of public convenience and necessity which are required by Section [228] 4(e) of the Compact, and by other requirements of law.

Thirdly, we object to the admission of Exhibit No. 1 because it fails to take into account the effects which proposed route extensions would have upon D.C. Transit.

Fourthly, we object to Exhibit No. 1 because no consideration was given to whether or not D.C. Transit could under any possible arrangement by itself or with other carriers provide the service contemplated.

Fifth, we object to Exhibit No. 1 because of numerous inadequacies in its preparation, namely, the following: that it fails to establish the number of passengers who would be inconvenience<sup>d</sup> by the proposed route

extensions. It neglects to consider the cost of the proposed route extensions and the resulting effect upon not only the existing carriers but their competition and D.C. transit in this case, because it fails to specify the exact routes and schedules which would be contemplated by the extensions, and thereby prevents D.C. Transit from adequately protecting its rights and interests in this proceeding.

Nextly, because it fails to indicate whether or not the proposed routes and frequency of service could be accommodated on the streets proposed, and what effect they would have upon other vehicular traffic.

Nextly, it fails to take into account what the riding public fare structure would be if the additional route [229] extensions were required, and what effect the new fare structures would have upon the competition of the carriers to whom the authority is granted.

And for all these reasons, and any others I haven't thought about, we object to Exhibit No. 1.

MR. CUNNINGHAM: Well, Mr. Examiner, I can only say as to the last ground, I'm not clairvoyant and I'm sure the staff is not, and my hindsight is not. I'm afraid I'm going to have to reply only to the grounds you enumerated, Mr. Spear. The primary objection, as I understand, going to Exhibit 1, is that the very basis of the Overhouse Study and Report is the hearsay effect of the O&D study. I might add, as near as I can recall, I read most of the objections in your prior motion to dismiss that was previously received by the Commission.

There is a case in precedent cited, Investigation and Suspension Docket No. M-5056, Paper Wrappers, from St. Louis, Missouri to Louisville, Kentucky, an ICC case reported at Volume 63, page 422, and the language I refer to now may be found on page 424. I quote:

"Objections were made by each affiant to certain statements made by the other on the ground they are hearsay. The statements in question were predicated in part on information obtained from surveys conducted by each, the underlying data being retained by him or [230] from information secured through his official employ-

ment. We do not regard the testimony in either instance objectionable. Frequently the only method available to the parties for the acquisition of pertinent data is through the use of surveys. Knowledge acquired in the line of official duty or employment is not objectionable as based on hearsay."

And then it is quoted: *Clark-Cutler-McDermott Company vs. New York, N. H. & H. R. Co.*, reported at 276, ICC, 450. Of course, the underlying basis here is that the information—the reason this survey was accepted by the ICC is that it was the only method available to the parties for the acquisition of pertinent data. I think the historical role of the hearsay rule, and exceptions thereto, are to provide the trustworthiness and the necessity for the information.

Now, turning at a glance to the survey cards themselves, two questions were asked of each of the patrons riding the buses on the day the survey was made:

One, give the nearest intersection to your home.

Two, give the nearest intersection to your destination.

Now, let's take this class of people who are the signatories to these cards. What possible reason could there be that these people would falsify where they live and where they are going? I submit that the objection as stated reveals no [231] objection to this. It gives no basis on which the trustworthiness of the survey itself may be made. I believe the Commission could almost take judicial knowledge of the fact that O&D studies are commonly relied upon by the transit industry to determine routings and extent of service. This was not a survey predicated on a series of questions on which the signatory to the survey card would state his opinion, or his conjecture. The trustworthiness of the document cannot be questioned. There is no basis whatsoever for anyone falsifying this information, especially in such large numbers.

Mr. Overhouse has testified, for example, that a 50-percent return on the survey card is fantastically high. I recall some time back that the Commission, through the cooperation of D.C. Transit, hired the serv-



ices of a consultant by the name of Sexton and Sexton Associates. \$25,000 was spent, as I recall, on this survey, to determine origin and destination studies, passengers riding D.C. Transit. I think this shows in effect the trustworthiness of the O&D surveys in general, and this particular survey in particular.

Now let's turn to the necessity for it. There is only one way, unless this be considered an exception to the hearsay rule, to satisfy it. The alternative to this is to bring in 11,000 people, file them in this room, cause each one to raise his hand and swear to God he will tell the truth, and propound the same two questions that were on this survey card.

[232] I am eliminating the third question as to time, because I feel it is really immaterial at this point.

So we bring 100 people in. Is this an impossibility? Quite clearly. Should the members of the riding public, and the entire people who live in the metropolitan area be deprived of this type of a survey solely on the grounds that it is hearsay?

I submit to you, sir, it is not so hearsay, it is in fact — while it is hearsay, perhaps, it is and does qualify as an exception thereto. I submit to the Commission that the only possible way this information can be so listed is by the use of the O&D survey that Mr. Overhouse conducted.

[233] I would like to quote from Administrative Law Treatise by Kenneth Culp Davis, in Volume 2, found at page 297: "When Judge Leonard Hand was a Trial Judge found the only evidence either way on a fact in issue was hearsay that seemed to him reliable, he said 'If this be not evidence, I can see no way of getting any better, and the fact cannot be established at all. Surely the law is not so unreasonable as that.'"

The American Law Institutes Code provides, in Rule 503, evidence of a hearsay declaration is admissible if the judge finds the declarant (a) is unavailable as a witness or (b) is present and subject to cross examination.

I submit to the Commission that is in fact an impossibility to bring

1100 witnesses before it to determine solely the scope of the two questions propounded in the survey.

MR. SPEAR: I had a lot of other objections. I hope they are not being slighted.

MR. CUNNINGHAM: No, I'm going on, Mr. Spear. I'm sitting down to relax. Now we have also got the objection that the Staff's evidence fails to take into consideration public convenience and necessity factors. Well, Mr. Overhouse I believe in a recent series of questions and sub-questions by Mr. Spear, testified as to what factors he took into consideration and what he did not. Indeed, the complete record, his previous enumerations on direct and cross examination, as to what [234] factors were taken into consideration. I think it should be stressed at this point it is the viewpoint of the engineering department, and so testified by Mr. Overhouse, that two carriers involved in this proceeding as respondents have the operating authority within their certificates to transport passengers from the suburban areas into the points and places in the District of Columbia as outlined by the proposals.

The report is criticized on the basis that no other arrangement was contemplated. But I don't know if this is in fact a fair summation of Mr. Overhouse's testimony, and I don't know that once he studies a problem and arrives at a conclusion that he is required to support his studies by showing what other arrangements or situations he might have considered, and/or rejected, and/or accepted.

Mr. Spear spoke about the Exhibit itself. Of course the Exhibit that he objects to is really not what his objections go to, but go to the entire Staff presentation, and are properly subjects of motions to dismiss, or what-have-you, on the basis of the entire Staff presentation. I do not feel that these are grounds for the elimination of testimony and a report, and in this case his report is what is objected to. The objection of no cost estimates, failure to give D.C. Transit protection, failure to, as they put it, state the effect on other traffic, failure to take into consid-

eration of and if new fare structures that might result, go to the entire [235] Staff presentation, and do not go to the Exhibit itself.

All in all, I think other than his hearsay objection, which I feel is properly — is directed to the Exhibit itself, and I think it has been adequately rebutted by now — I think the other objections go to the entire Staff presentation and not solely to the Exhibit itself. And for that basis, the objection should not stand as it relates to the objection it should be overruled. My argument as to hearsay, on his objections to 4 and 5, I would answer the same as to Exhibit 1, sir.

MR. SPEAR: If I may take one minute to respond. Counsel for the Staff has responded directed to the hearsay objection, but the hearsay objection as spelled out was directed to the questionnaire cards, that is to say, the right to cross examine.

There is an added hearsay objection implicit in the objection to Exhibit No. 1 on the grounds of hearsay, which the Staff did not respond to, and it is this: The report in Exhibit No. 1 deduces that the persons who responded on the cards were in effect supporting the proposed route extensions by virtue of their answers. It implies that, if not directly indirectly. And on the question of whether or not those persons who filled out those cards would have come to that conclusion had they been given the particulars of the proposed extension, and the implications as to what arrangements they [236] would have to make in order to connect with that service, is a matter on which we should have had the right to examine those persons for all the reasons that have been developed here today so that we could determine whether or not the public at large would find it convenient, if not necessary, to have the proposed route extensions as an alternative to the present system. That was the substance of our hearsay objection to Exhibit 1, which differs from the right to cross examine, which was the hearsay objection to 4 and 5.

MR. ISON: Does anyone else have any comments?

MR. CUNNINGHAM: I would like to respond to the statement of Mr. Spear. It is not my understanding that the cards reflect an opinion of

the subscribers to the cards themselves, but state solely, and are used solely by Mr. Overhouse, to show, 1, the particular point of origin, and 2, the particular point of destination of the subscriber to the card.

Now, the fact that Mr. Overhouse drew the conclusion in his overall study that these cards support the conclusion that the route should be extended, does not mean that the subscribers themselves so intended to state on their card itself, that is clearly not so.

\* \* \*

[239]

PAUL W. FOREMAN

\* \* \*

# CROSS-EXAMINATION

BY MR. KAHN:

[251] Q. I am referring now to the middle of page 13 where you talk about transfers. Is it your proposal that the number of transfers should be reduced in order for passengers to get to destination points?

A. Yes, I think the optimum service that can be provided to an individual is certainly taking him from his home to his destination where he works.

Q. Now I would like to ask you to comment on whether or not there would be any improvement of service for the particular persons involved in your study if in <sup>place</sup> ~~place~~ of a transfer in the area referred to on page 13, namely, within the Federal Triangle, if in lieu of that transfer passengers from Virginia, for example, had to make a transfer in Virginia in order to get to the further destination point, would that meet your objection?

A. In answer to that: If it can be worked out, if the routes can be worked out where the majority of the people are picked up within the vicinity of their homes, the vicinity can be described as three or four blocks, and delivered within [252] three or four blocks of their destinations, I think this would satisfy us.

Q. Mr. Foreman — A. I can't give you a specific answer to your question.

Q. No. I think you probably don't quite understand the import of the



question, because you weren't here yesterday. It was testified to yesterday by an officer of AB&W that whereas now a substantial number of AB&W passengers coming in from Virginia on various routes must make transfers at the Triangle area in order to get to 18th and L, or within three blocks of it, schedules which the company believed appropriate to conform with the extensions of routes proposed in this proceeding would require in the company's view that a substantial number of persons who now get on a bus within three or four blocks of their home in Virginia, and end up at the Federal Triangle, and then must transfer, would now have to, if they want to go to 18th and L, without transferring in the District, would have to make a transfer on the Virginia side in order to take one of the selected number of buses which would be going all the way to 18th and L, it being the assumption of the Virginia company that not every bus or every route would be extended all the way up to 18th and L, but only certain of them.

Now, if that were to be put into effect — I am not saying it will be — but if it were to be put into effect, and a substantial number of Virginia origin passengers were to transfer [253] first in Virginia before getting on a bus going to 18th and L, would that provide any greater convenience in your estimation than the present system where they transfer at the Triangle? A. Well, this is a difficult question to answer. My reasons are these: There is a lot of unknowns, for one thing. I wouldn't know, for example, how many employees would adopt such a plan that you are saying could be or could not be put into effect. \* \* \*

\* \* \*

[256] A. Again, on the premise that I am a bus rider, I have no other mode of transportation, and there are two routes available, I can either transfer in Virginia or I can transfer in Washington, it would appear to me they would be about the same. Although I would like to make one other additional comment on that particular point. Again I would like to go back to my original premise, that the optimum service that we are looking for in the Federal Government would be from the vicinity of a



person's home to the vicinity of where the individual works. Could I add one more comment to that? About three or four times a day I receive calls from Federal employees. Generally they are complaints, and about bus service and about parking. Generally they are in the area that we are talking about today. As you know, there is a lot of construction in this particular area at the present time, in 18th, 19th, 20th, 21st, and so forth, up around K and L. The temporary lots that were available to Federal employees are beginning to dry up very fast.

Q. Lots for — A. Lots for parking.

Q. For parking. A. As a result, I have no alternative, because we have nothing to provide for these people in the way of parking facilities at this time, but to recommend they use the bus [257] service. This is the only alternative we have. Now, of course, we are trying to get, trying to work with you people, to obtain the best service that we can possibly get, to provide for these people who are losing their parking spaces, and I think this trend will continue for a number of years to come.

Q. I would like to ask you now about a series of buildings which will create employment for large numbers of people which haven't been mentioned previously in your testimony, and which are either now recently opened or about to be opened in the Southwest Mall area.

\* \* \*

[258] Q. Do you remember where that particular Administration employee group worked prior to the opening of this building? Where was their prior office, do you remember? A. No, I don't. Let me point out, I indicated that this fluctuates constantly [259] the Federal employment by zones. I pointed out to you that there are many Tempo buildings that have been torn down. There are others that are about to come down. I just can't give you a specific location of the employees before they occupied the new building. Let's take as an example the Navy Department. The Navy Department is in 37 buildings around town. Now, as we acquire additional leased space in new commercial-type buildings, we will

try to decrease the number of buildings where Navy is occupying. This is one example of the fluctuation.

Q. A few more buildings in the area generally, and I will ask you what zone they are in, just go down the list: Is it not true since 1962, HEW has a building housing its Offices of Education and its headquarters—no, and NASA headquarters are in the same building on Maryland Avenue between 4th and 6th Streets, and that is new since 1962? A. Yes, and it is reflected in the figure that I gave you at the last hearing.

Q. Zone 8? A. Zone 8, yes. You note Zone 8 increased from 14,595 employees to 20,892.

Q. That increase is approximately what percent increase, have you figured it out? A. No, I haven't.

Q. Would you accept 42.5 percent increase, as the increase [260] involved in Zone 8? A. In Zone 8?

Q. Yes, subject to check. A. All right, subject to check, yes.

Q. Would you regard that increase as significant in that zone, in that three-year period? A. In relation to what?

Q. In relation to the needs for transportation service. Is it one which is significant as an increase? A. I would say I regard all zones where there has been increases as being significant, not only this particular zone. I would like to again point out to you, Zone 1 increased more than Zone 8.

Q. Beg pardon? A. I would like to again point out to you Zone 1 increased more than Zone 8.

Q. Now, I think you stated in your direct testimony that if a Federal employee could get what you said, you would describe as, quote, "door-to-door service," he would use the bus rather than his car. Do you remember that testimony? A. Yes. I said it, that is correct. And I think I added that I would also — that in my case, I know, that I would, in my own case.

Q. Page 34, I think it was, of the transcript. [261] A. That is right.

Q. Now, what exactly did you mean by "door to door"? Did you mean actually door to door literally? A. Well, vicinity of his home to the vicinity of his office.

Q. You mean by vicinity, three blocks either way — three blocks on either side? A. Yes, I would say it would average that — that would be sufficient. I think generally somebody — I can't quote you this as to who did the study — but I recall reading someone had conducted a study and found the majority of the people were willing to walk a distance of four blocks, but beyond that generally they would like to ride.

Q. In your 1962 report I believe you recommend that certain routes namely the radial corridor routes be extended, did you not? I am referring to page 10. A. Page 10?

Q. You did make recommendations that certain routes be extended, did you not, on page 10, and elsewhere in that 1962 report? A. You are talking about the statement in certain communities within the 15-mile radius there is no public transportation service available?

\* \* \*

[263]

#### REDIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Mr. Spear referred to the testimony you gave with reference to the employee population increase in 7 and 8, since 1955. Does this increase in Federal employee population suggest to you that more direct no-transfer service should also be added to Zone 8 by AB&W and WMA Transit Company? A. As I pointed out, I think again the optimum service that we can possibly get, and we would like to have for the [264] Federal employee is to have transportation from the vicinity of his home to the vicinity of his office.

Q. Is there any question in your mind, Mr. Foreman, that if the staff extensions proposed, under consideration here today, would provide direct-ride, no-transfer service between the areas in Virginia and Maryland served by AB&W and WMA Transit Company, and the 18th and

L area, that a large number of Federal employees now utilizing other than public transportation means, would turn to this bus service? A. My answer to that is Yes, but I would like to qualify it just a little more.

Q. Certainly. A. In our report we have repeatedly asked for faster service. We are talking about express service. And I think if we can get more express service that you are going to have more Federal employees riding the bus. They want to be in competition with the automobile. If it gets them to work in approximately the same time as the automobile, I think the employee would be willing to switch.

MR. CUNNINGHAM: That is all I have.

THE WITNESS: I think our opinion survey has so indicated in this statement.

\* \* \*

[266]

WILLIAM E. BELL

DIRECT EXAMINATION

\* \* \*

[270] BY MR. SPEAR:

Q. Will you please state what this exhibit, <sup>[No. 13]</sup> purports to show? A. This is an analysis of the destinations of those persons filling out the cards in the WMAT card survey, who were AB&W riders — transit riders. The summary shows the total cards returned, the cards not used, and the cards that were usable to analyze. It also shows the summary of the destinations, breaking them down to those that were intra-state-Virginia, Pentagon, and other intrastate areas, and also into five areas, the No. 1 area being within a three-block scope of the proposed route, in the notice of this application — that is, the proposed route extension, namely, area No. 1 would be 18th and L, and along the route thereof within three blocks. It shows the area 2, which I have identified as the Potomac Park Area. Area 3, Federal Triangle. Area 4, Capitol Hill. And Area 5 is all other areas within the District of Columbia, not identified as Areas 1, 2, 3 and 4. In looking at this exhibit you will note

that in Area 3, Federal Triangle, which is the present-day terminal of [271] the two companies involved, for the route <sup>extension</sup> ~~extension~~ there are 36 per cent of the total riders, or 1696 in number who in filling out these cards identified their destinations within the three-block area of the present-day terminal as compared to 25.9 per cent, or 1223 passengers who indicated that their destination was within a three-block area of this proposed route.

Q. Mr. Bell, was the summary of the cards made from the actual cards themselves in the Commission's files? A. They were made from the actual cards as furnished to me by this Commission. However, I would like to note that there is a slight difference in the counts that I have used here as compared to the counts in the WMAT summary — WMATC summary. And the reason for that was that there was a stack of cards marked "Not used," "Late arrivals," or something to that effect. It indicated to me they had come in after their summary had been made. But I had these cards before me at the time I had my summary made, and so I included those cards. That would be the difference for any — if there is any difference in numbers in here, that is one of the reasons for it.

Q. Now, does this exhibit show the summary of destinations of the persons who returned the cards to the Commission? A. Those who were AB&W Transit riders, yes.

Q. Well, does the summary — what does the summary indicate as to whether or not there are more people going to the [272] present terminal than wish to go to the proposed route extension area? A. There were 1696 who indicated that they wanted to go to the Federal Triangle area, which is my identification of Federal Triangle, which is three blocks of either side of the present-day terminal. That was 36% of the cards returned. At the same time there were only 1223 who indicated they wanted to go within a three-block area of the proposed route as noted, in the notice of this application, the route that was stated in that notice,



which is 25.9%. There are 10.1% more who want to go where the buses presently go than there are that want to go over the new route.

Q. What do you mean by the new route? A. The route proposed in the notice that we received pertaining to this hearing, which described it as north on 14th Street at the intersection of 14th and Pennsylvania to H, H to 18th, 18th to L, back to 14th, 14th south to Pennsylvania Avenue, and then over the present-day routes of the AB&W.

Q. Mr. Bell, I now hand you a document captioned WMATC card survey, WMA Transit Company, and ask you if this was prepared under your supervision and direction. A. Yes, it was.

MR. SPEAR: Your Honor, I would like to request this be marked for identification as Exhibit No. 14.

[273] MR. ISON: It will be so marked.

(The document referred to was marked Intervener's Exhibit No. 14 for identification.)

BY MR. SPEAR:

Q. Mr. Bell, would you state, please, what this exhibit purports to show? A. This exhibit shows the same items I have described in the previous exhibit, only it pertains to the WMA Transit riders. It shows the number of cards returned, those that could not be used, and total usable cards. It also shows by number and per cent the people who stated their destinations were in the areas that I have described previously, 18th and L, Potomac Park, Federal Triangle, Capitol Hill, and other D.C. areas other than those that I have previously mentioned. And it shows that there were 43.8 per cent of the passengers, four hundred in number, who want to go to the area of the present-day terminal. 29.8 or 272 in number, would like to be carried within a three-block area of the route as proposed in the notice of this hearing. Their route would be west on Pennsylvania Avenue from 11th to 14th, and then pick up at that point and follow the same route as proposed for the AB&W which would be north on 14th to H, H to 18th, north on 18th to L, east on L to

14th, returning to Pennsylvania Avenue by way of 14th and then Pennsylvania Avenue to 11th on their regular routes.

\* \* \*

[284] A. \* \* \* We have a figure here of 1223 passengers that wanted to go into this No. 1 Area. These passengers were those who indicated on these cards that that was their destination. Now these cards were given out, it is my understanding, to every trip, every passenger, who boarded from 6:30 or 6:00 until 9:30 in the morning. These were given to people who boarded all along, any one of these several routes that the AB&W operates. Now there is no identification on any of these cards as to what trips these passengers boarded. The only identification to tie it in somewhere near a route is by the address of where these people live. You can see that there are several routes that operate through these areas, and there is no way of identifying them, so the only assumption you can make is that for every one hundred passengers who returned one of these cards, 25.9 of them indicated that they wanted to go into Area 1. And the only other assumption that you can make is that every single bus had 25.9 of every one hundred passengers that wanted to go in there. There is no other way of identifying what trip these people came in on. Now, you cannot extend 25.9 of the buses into an area. You must take a full bus to go into that area.

\* \* \*

[286] BY MR. SPEAR:

Q. I think you were describing, when you were interrupted by objection of Counsel — you were describing the reason why you assumed that one hundred per cent of the passengers involved in the study of the Staff would be diverted from 12th and Pennsylvania to the new zone — that the buses in which they were travelling would be diverted? A. Unless one hundred per cent of all the trips operated by AB&W on the day of the survey were diverted, then we could not have 25.9 per cent, or 1223 passengers with direct through bus service.

Q. Would you explain what you mean by that, please, Mr. Bell? A.

The cards represented one hundred per cent of all the trips operated by AB&W. That was testified to here by the Commission's witness. That these cards were given to every trip that operated —

MR. ISON: Wait a minute, Mr. Bell. I don't want to be repetitious, but I think, Mr. Spear, he has gone through this. Have you gone through this once, Mr. Bell, how you came to [287] this conclusion?

THE WITNESS: I have gone part the way through it, yes.

MR. ISON: Don't repeat yourself too much.

BY MR. SPEAR:

Q. Just explain why you made the prior statement as to the number who would be inconvenienced east of Fourteenth and Pennsylvania. A. In order for this figure to be this large — that is, in the Area No. 1, within three blocks of the proposed route — in order for that figure to be 25.9 per cent or 1223 passengers, with through service, no transfers involved from the AB&W buses, every one of those trips would have to go there — one hundred per cent of them. Now, one hundred per cent of the trips go into this area, so that 1223 people will not be inconvenienced. Then, in Area No. 3, which is the present-day terminals, 36%, or 1696 passengers would be inconvenienced as well as those going east of their terminal, which is another 5.7, or 267 more passengers that would be inconvenienced, or to total those, 41.7 per cent, 150 per cent more people inconvenience than inconvenienced. Now, I would like to state about WMA. WMA comes from the east, heading west, and goes through Area 4 to get to Area 3, which is their present terminal. So that it can be reasonably assumed that no one is going to be inconvenienced that is going to their present [288] terminals if they go farther west to 18th and L, because the buses are going to continue, I believe, right straight through the same route that they are presently taking. \* \* \*

\* \* \*

[290] Q. What were you telling us the background of your survey for? What was the relevance of your survey to what you are about to describe now? A. I only use that because I have no knowledge other

than of how many trips WMA Transit operates in the morning from 6:00 to 9:30, arriving at this point.

Q. Yes, but what do you deduce from that as far as this particular route extension hearing is concerned then? A. Here again these cards were given out to one hundred per cent of the trips of WMA Transit Company between 6:00 and 9:30 that arrived up here at Eleventh and Pennsylvania Avenue. There are 272 passengers who stated they would like to go. These passengers originate all over the area in which WMA operates, and over every route that WMA operated, and in order for this figure to be 272, or 29.8 per cent, one hundred per cent, in order for no one to have to transfer, one hundred per cent of the trips would have to be extended to the vicinity of Eighteenth and L over the proposed route. The reason why I established this 65 number of trips that I had checked that morning, is that there are 272 divided by 65 trips, which gives 4.18 passengers per trip to go into this extended area, which the Commission has noted is 2.85 miles farther than their present-day terminal.

Q. What do you conclude from that statistic? [291] A. From that is is economically feasible for the WMA Transit Company to extend 65 trips during the rush hour, which, because of the extended distance, the extended time that it will take, their operating costs cannot be supported by 4.18 additional passengers, and especially is that true since there has been no indication that they would get one cent more as a fare to carry these people into this new area, or this extension of service. In addition to that I would like to state with regard to WMA, on this additional cost that in a recent school subsidy report given out by this Commission it showed that WMA Transit, on its D.C. operations, mass transit within the District of Columbia, lost \$31,787. In addition to that, they were to be given some sort of a profit, a profit item was taken into it, which means then this will add to that \$31,000 loss an additional amount of loss. All of these extended costs, additional costs, none of which will be borne by any of the two operating company's passengers who would



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\* \* \*

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be inconvenienced. These people would not pay additional fare to go into these areas.

\* \* \*

[298] Q. Now, Mr. Bell, would you please state what these exhibits show? A. Exhibit No. 29 shows the interline ticket distribution for the month of April, 1965. There are six columns on the [299] sheet, the first headed "Date," and it goes from 1 to 31. Then "D.C.T." means D.C. Transit tickets that were sold by D.C. Transit on each of the 30 days in April. It shows "A.B.&W." in the next column. These are the tickets that were collected by D.C. Transit which are issued by AB&W and deposited into our fare boxes. The "W.M.&A." is WMA Transit tickets that were collected on these series of days from 1 through the 30th in the month of April by D.C. Transit. The "W.V.&M." is the number of tickets collected by D.C. Transit that were issued by the WV&M Coach Company and collected on the dates as shown, 1 through 30. The Total column is the total of all tickets involved. It shows that D.C. Transit issued 240,289 tickets in the month of April, having a value of \$42,050.58 to D.C. Transit.

Q. Mr. Bell, the last three lines at the bottom of Exhibit 29 represent the total tickets for each of the carriers, is that correct? A. Each of the carriers, and the total of those totals, yes.

Q. And the next line, Ticket Rate, indicates what? A. 17-1/2 cent value to the individual company as noted.

Q. And how was that arrived at? A. The tickets sell for 35 cents. As far as D.C. Transit is concerned, the ticket itself has a value of 35 cents. When [300] used jointly, each company gets 17-1/2 cents of that 35 cents.

Q. By order of the Compact Commission? A. That is right, and by joint arrangement and contract with the various companies.

Q. Mr. Bell, for example, what does Exhibit No. 29 show about where the tickets were — what use was made of these tickets that were purchased and reflected in Exhibit 29?

MR. KAHN: It doesn't show.

BY MR. SPEAR:

Q. Doesn't it show it? Will you describe what use was made of these tickets? A. It simply shows that D.C. Transit collected in the month of April, 240,289 tickets. It doesn't say which company — rather, sold that number. It doesn't say which company that the final disposition of that ticket was made to. In other words, it doesn't show whether the ticket that D.C. Transit sold was used on AB&W, WMA, or WV&M, but it does show the total amount.

Q. Do you have any information to indicate where these tickets were purchased, or in what area? A. So far as D.C. Transit is concerned, these tickets are sold by our operators anywhere along <sup>our</sup> ~~out~~ system in the District of Columbia where a person boards and asks for the ticket. Now, with regards to the AB&W, WMA, WV&M, there again, so [301] far as the purchase of the ticket, it is made from the operator when the passengers board their bus. Now, so far as where they were used, I can only assume that AB&W operating the majority of their service down into the 12th and Pennsylvania Avenue terminal, that the majority of these tickets that were collected by D.C. Transit, bearing AB&W identification, were used in that area and collected in that area from the AB&W passengers when they boarded D.C. Transit buses.

Q. Now, if the proposed route extensions in this proceeding were to be granted, and the lines extended as recommended by the engineering staff, what would be the consequence to D.C. Transit of that action as far as these tickets are concerned? A. In my opinion D.C. Transit would lose the majority of all of this revenue derived from this joint-fare ticket, because the majority of the people who use these tickets are those who are carried at present into the area of 12th and Pennsylvania Avenue but who wish to continue on D.C. Transit vehicles to other areas.

Q. Looking at Exhibit No. 29, would you indicate under your prior statement and testimony how much revenue would be lost by D.C. Transit on your theory from the loss of AB&W transfers? A. I would say that

the majority, if not all of it, would be lost, or having a value of \$23,989-.53 for the month of April.

[302] Q. Would you project that on an annual basis? What would that amount to a year? A. Well, that is approximately \$24,000 times 12 months of the year, which would be \$288,000. Now, in addition to that, it must be remembered that these are passengers who first boarded AB&W and then used D.C. Transit. But now there are a number of passengers, and probably an equal number who boarded D.C. Transit first and purchased the ticket to go back, so that this figure then is doubled, it is more than the \$24,000 shown for just what we collected of AB&W tickets. It is also an equal number lost of those we sold tickets that were used on AB&W. So that then this \$288,000 becomes \$576,000, the possibility of losing that amount. A great majority of it, if not all of it, would be lost.

Q. Now, does D.C. Transit foresee losing \$576,000 annually if the engineering staff's recommendation is adopted? A. Yes. It is reasonable to assume that D.C. Transit would foresee the loss of this revenue of \$576,000 per year. In addition to that, about 10 percent additional would be lost on the WMA passengers, joint fares.

MR. KAHN: I was going to ask for a clarification, but the witness added the \$576,000 didn't include any potential loss from WMA?

THE WITNESS: No, that is an additional 10 percent.

[303] BY MR. SPEAR:

Q. Would you project the estimated loss from WMA passengers?

A. \$22,333 — it is roughly about 10 percent of what it would be for the AB&W lost, or where we have \$576,000 annually involving AB&W, this would be another 57,000 lost, involving WMA. So now we are up to better than \$600,000 a year that this could cost D.C. Transit in lost revenue.

Q. <sup>Are</sup> And any of the customers going north and west in the area of the terminals of WMA and AB&W in the counterflow of the traffic pattern in the morning rush hour for D.C. Transit? A. Oh, yes. In the morning



rush hour, these two lines come into the downtown area as well as D.C. Transit's buses come into the downtown area. Now, taking these passengers out from the downtown area is in the counterflow hauling pattern of D.C. Transit.

Q. Wouldn't it follow, then, the loss to D.C. Transit would be increased by any amount greater than reflected on Exhibits 29, 30 and 31, as a result of the counterflow? A. No. The loss in revenue, or other losses, wouldn't be increased, because of the counterflow operation in D.C. Transit's traffic pattern D.C. Transit will not have the opportunity to reduce its operating costs because the buses here now are available in the downtown area to fan out to the other areas of Washington to take these passengers. [304] They have already been used to bring D.C. Transit's passengers into the downtown area. Once we have them downtown, they either deadhead to the garage or else they go and make other trips. These buses are already available here to make the other trips, with no additional cost to the D.C. Transit to carry these passengers. However, reducing these passengers will not reduce the number of vehicles that D.C. Transit schedules in its morning rush hour.

Q. Are you then saying that the reduction in the number of passengers will not result in any reduced expenses because the vehicles are already there; is that your statement? A. There will be no reduction in the operating expenses of D.C. Transit.

Q. Can the same conclusions as to the impact of the May and June exhibits be drawn as you did from April? A. Yes. The May and June totals are roughly within a few percent of what the April figure is. They just about average out to the figures of the April.

Q. Mr. Bell, I hand you now a document captioned "AB&W Present Routes, WMA Present Routes, Proposed Extension," and ask you if this was prepared under your supervision and direction? A. Yes, it was.

\* \* \*

[312] Q. Now, what do you conclude from this exhibit? A. From this exhibit the D-2 and -4 bus, operating on E Street at 11th, is just



one-half block from the terminal of 11th — 11th Street of the WMA line, and just one block from the terminal of the AB&W bus line, and with a short walk and a single transfer the Route D-2 and -4 goes right up through the area that we have been discussing here today for the route extensions of AB&W and WMA.

This bus operates north on 11th Street to K Street, east on K Street to 20th Street, and north on 20th Street to P. So that this particular route — this is just one of many routes that operate within a stone's throw of the present terminals of AB&W and WMA, so that there is a minimum of inconvenience to passengers changing from AB&W and WMA to a D.C. Transit route to be taken right where this particular route extension that was noted in the notice of this hearing goes, or has been recommended to go.

\* \* \*

[318] BY MR. SPEAR:

Q. Mr. Bell, would you please state what these exhibits purport to show? A. These exhibits show, by the period of the day, 15-minute periods of the day, from 6:00 a.m. to 12:00 midnight, the volume of service available today within a three-block area of this proposed route; that is, the route that has been proposed [319] in the notice of this hearing for the extension of AB&W and WMA service.

It shows the number of lines that we operate in close proximity to this proposed extension, as well as in close proximity to the present-day terminals, and it shows the volume of service that is available to be used by anyone coming into these terminals who wish to continue on their ride with a simple transfer.

I would like to state that on Exhibit 35, for example, where it shows in the third column of Routes S2, 5, and 6, using 11th Street between Eye and Pennsylvania Avenue, that for example in the count of flow coming southbound, in the count of flow bringing people on D.C. Transit to make a transfer to the AB&W bus, that this terminal is located on the same block just around the corner and within less than 300 feet of the

AB&W terminal, so that anyone wishing to transfer from a D.C. Transit bus to an AB&W bus, simply walks around the corner approximately 300 feet and boards the AB&W bus.

Now, when the AB&W bus arrives at the terminal and anyone wants to take one of these S2, 5 or 6 routes, they just walk around the corner, off of Pennsylvania Avenue onto 11th Street without having to cross any thoroughfares, and board these buses to continue on. Now this S2, 5 and 6 runs north on 12th Street, east on H, to 16th, north on 16th to Alaska Avenue, which is way beyond [320] the scope of the extension that has been discussed here today for AB&W and WMA buses. So that anyone on the AB&W bus who wants to get into this area simply walks around the corner, boards one of the Route S2, 5, or 6 buses, and is carried right through the majority of this route. That is, they go right through H Street to 16th, which is within two blocks of the 18th Street that has been recommended here, and it goes north past Eye, K and L Streets, which have been streets recommended by the staff of the Commission for an extension of the AB&W and WMA routes.

Now, when this bus returns, instead of using H Street, <sup>it</sup> ~~it~~ uses Eye Street and goes over as far as 11th Street. So that here again, as with the D2 and 4, which was in the northbound direction explained, here is the S2, 5, and 6, that also is practically direct service right from these two terminals, the WMA patrons having to walk half a block south to the terminal to board these buses, and anyone on the S2, 5, and 6, that wants to take the WMA bus has just half a block to walk back to make their transfer.

So all of these exhibits are tendered to show the volume of service that D.C. Transit provides that is available and covers practically every street that has been noted in the notice of this hearing for bus service with the exception of L Street. We do not operate service on L Street, but we do operate service on 14th Street, we operate service on H Street [321] we operate service on 18th Street, we operate service on Eye Street, we operate service on K Street. The only street that has been

mentioned in this proceeding as a possibility of this route, or rather that has been noted in the notice of this application or this hearing, is L Street. That is the only street where we do not operate bus service.

It can be seen from the volume of service as shown on these exhibits through Exhibit No. 59, I believe is the last one, that every street in this area, the D.C. Transit provides service, and quite a volume of service.

[322] I would like to point out, for example, on H Street, D.C. Transit operates a total of 170 trips in the morning rush hour, 6:00 to 9:30 a.m. For the 18-hour period, 6:00 a.m. to 12:00 midnight, D.C. Transit operates 715 trips through H Street.

Eye Street which was an alternate street discussed here by the Commission's Staff, in the three and one-half hour period, 6:00 a.m. to 9:30 a.m., D.C. Transit operates 297 trips on Eye Street. That is the maximum point between 16th Street and Vermont Avenue.

On K Street, between 18th and 13th, K Street being another alternate street that was discussed in this hearing, there are 258 trips operated in the eastbound direction between D.C. Transit's operations and WV&M's combined operation.

In the westbound direction, in the morning rush hour, 6:00 to 9:30 a.m., there is 186 trips, all of which, I want to show through these exhibits, that there is already a volume of buses operating into and through these various streets and on these various streets that any additional buses operating out there is just going to cause additional congestion, and I would like to point one more out here in the westbound direction on K Street, Exhibit 59. In the period from 3:00 p.m. to 7:00 p.m., a four-hour period, combining WV&M company operations and D.C. Transit bus operations, there are 343 trips [323] scheduled. That is in the westbound direction between 11th and 18th, on K Street.

Q. Mr. Bell, what conclusion do you reach from these exhibits and the data shown by them? A. With the volume of bus traffic presently on these streets, and in some instances such as H and Eye, where there are

exclusive bus lanes, the volume of trips out there today, and other traffic that are using these streets, it is a very congested area, and any additional bus routes to go into this area will just further the congestion, and thus slow down an already slowed-down operation and cause all of the present passengers that are now being served through these streets to have a much slower ride than what they are getting today.

Q. Mr. Bell, I hand you a document captioned "Summary of Times and Speeds," and ask you if it was prepared under your supervision and direction. A. Yes, it was.

MR. SPEAR: Mr. Examiner, I would like to ask that this summary of times and speeds, consisting of one page, be marked for identification as Exhibit 60.

MR. ISON: It will be so marked.

(The document referred to was marked Intervener's Exhibit No. 60 for identification.)

BY MR. SPEAR:

Q. Mr. Bell, what does Exhibit 60 show? [324] A. Exhibit 60 shows time periods of the a.m. rush hour, time periods of the p.m. rush hour, and certain sections of streets that have been brought up in this hearing. H Street for example is one of the proposed streets where the extended route would operate over.

It shows the distance on H Street in a westbound direction, H Street being a one-way street westbound, between Fourteenth and Seventeenth Street, it would be .40 miles.

Traffic checks taken by my staff on the 14th of April, 1964, show that the speed varied from 10 miles per hour, between 9:00 and 9:30 to as slow as 5.5 miles per hour between 8:00 and 9:00 a.m.

Now, of these streets H Street is a one-way street westbound and it has exclusive bus lane. All the advantages of speeding up transit have been incorporated into this street. It is a one-way street, and it has an exclusive bus lane, and yet between 8:00 and 9:00 o'clock, it takes 4.4 minutes to go .4 miles, and the average speed is 5.45 miles per hour.

On Eye Street, between Seventeenth and Fourteenth, there again it is .40 miles, or .4 miles, and it shows even with a one-way street, exclusive bus lanes, that between 8:00 and 9:00 a.m. it takes five and one-half minutes to make that trip, or a speed of 4.36 miles per hour.

This shows here on K Street in the westbound [325] direction between Thirteenth and Twentieth Street, which is a distance of .82 miles, checks taken the 7th of July, 1965, D.C. Transit's slowest speed is between 9:00 and 9:30 when it takes 7.6 minutes to go this .82 miles, or an average speed of 6.47.

Now, D.C. Transit westbound on K Street, between 13th and 20th, uses the service roadway where no other traffic is in there with the exception of automobiles, there is no other volume, great volume of traffic, and yet it can only maintain a speed of 6.47 miles per hour between 9:00 and 9:30.

The WV&M Coach Line uses the main roadway and between 7:00 and 8:00 a.m. it takes them six minutes to go this .82 miles for an average speed of 8.25.

Now, in the p.m., on H Street, between 5:00 and 5:30 p.m., to go .4 miles, takes 8.5 minutes, and the average speed for that section is only 2.82 miles per hour, which is considerably different from an average speed that was discussed to be approximately 9 miles per hour on this extended route.

On Eye Street, between 5:00 and 5:30, to go .4 miles, it takes 6.9 minutes, and the average speed is just 3.48 miles per hour.

On K Street, using the service lane westbound, D.C. Transit, the same period of time, averages 3.67 miles per hour, and WV&M, using the main roadway, averages 4.43 [326] miles per hour.

Now this is with the volume of buses, the volume of trips, that have been explained in the previous exhibits, and yet we averaged just 2.82 miles per hour in the westbound direction on H Street between Fourteenth and Seventeenth Street. Any additional buses through this street, any additional traffic, will cause a further decrease in the miles per



hour, and all of the many thousands of people who presently used D.C. Transit's service in this area will be slowed down to an even slower speed than the 2.82 miles per hour.

Q. What conclusions, then, do you draw from the exhibit and the data you just referred to? A. The recommended route as noted in the notice of this hearing used H Street westbound from Fourteenth to Eighteenth. At the present time between 5:00 and 5:30 in the evening, D.C. Transit's presently operated buses average only 2.82 miles per hour. With the number of trips that would be necessary to transport the volume of passengers to this extended route would further slow this down to a point where possibly many times more present D.C. Transit riders would be given a slower ride than what has been the number of passengers that have been discussed here that would be inconvenienced by an extension of the AB&W, WMA routes, over this street.

Eye Street was mentioned as an alternate. There [327] again the speed is only 3.84 miles per hour. K Street was mentioned as an alternate, there the speed is 3.67 miles per hour, using the service roadway, or 4.43 miles per hour using the main roadway.

Any additional bus traffic through this area is going to slow these speeds and inconvenience many times more people than have been discussed and stated on the questionnaire that they wished to be more inconvenienced by an extension of the AB&W, and WMA routes.

Q. I hand you now a document captioned "D.C. Transit System, Summary of Traffic Reading, at Sixth and F Streets, Northwest," and ask you whether this was prepared under your supervision and direction. A. Yes, it was.

MR. SPEAR: Mr. Examiner, I ask this exhibit consisting of two pages be marked as Exhibit No. 61.

MR. ISON: It will be so marked.

(The document referred to was marked Intervener's Exhibit No. 61 for identification.)

BY MR. SPEAR:

Q. Mr. Bell, what does this exhibit show? A. This is a summary of passenger counts made at Sixth and F Street, Northwest, in the westbound "Arrive" at that point.

This exhibit was prepared to show whether or not [328] there was available space on the presently-scheduled buses, this having to be the Mt. Pleasant bus line, to afford the riders of AB&W, and WMA, the opportunity of getting into this area of the extended or proposed extended route. I have used Sixth and F Street, Northwest, because that is one of the peak points in the westbound direction, closest to this area.

Even today, for those passengers of AB&W and WMA, who would be using this service today, there is still an excess in the morning rush hour of 2164, in the case of value. Now the value on a bus during the rush hour is 140 per cent of seats. So that there is available, like I say, 2164 in value to these people, even though today we are hauling some of those people. There is no shortage of service being provided. And this Mt. Pleasant Line goes through F Street to Fourteenth, Fourteenth to H, H to Seventeenth, Seventeenth to Connecticut, which is right along practically the same route that has been recommended as an extension of the AB&W and WMA buses.

MR. KAHN: Would the witness explain the eastbound "leave"?

MR. SPEAR: Just a moment, Harrison, please, we want to straighten something out here. There seems to be a duplication here. Off the record, please.

(Discussion off the record.)

MR. ISON: Back on the record.

[329] BY MR. SPEAR:

Q. Mr. Bell, I hand you herewith a two-page exhibit entitled "Summary of traffic reading at Sixth and F Streets, Northwest, Week Day, Eastbound Leave, July 20, 1964," and ask was this prepared under your supervision and direction? A. Yes, it was.

MR. SPEAR: Mr. Examiner, may this be marked as Exhibit No.

MR. ISON: It may.

(The document referred to was marked Intervener's Exhibit No. 62 for identification.)

BY MR. SPEAR:

Q. Mr. Bell, do you have any further comments before we go on to Exhibit 62, about the prior Exhibit 61? Have you finished your comment on that? A. I have finished with the exception that I would like to say for the total day's operation that there is an excess in value over passengers of 8,154, which is on this one line alone that much additional space for the passengers of AB&W, WMA, who have ridden down to make their transfers.

Q. Would you describe what Exhibit 62 shows, and particularly any differences in the import of the Exhibit from 61? A. The only difference in what I have described in the previous exhibit is that this is the opposite direction, or [330] eastbound. It also shows a large excess of value, 2459 in the morning rush hour, or for the total of the day, 7,844 excess.

MR. SPEAR: Let's go off the record.

MR. ISON: Off the record.

(Discussion off the record.)

MR. ISON: Back on the record.

BY MR. SPEAR:

Q. Mr. Bell, I hand you herewith 18 remaining documents, all entitled in their first two lines of the heading, "D.C. Transit System, Inc., Summary of Traffic Reading at," and then each of them differing as to the location, being made at various locations, and ask whether these are the documents to which you just referred previously? A. Yes

Q. They were prepared under your supervision and direction? A. Yes, they were.

\* \* \*

[332] Q. Now, Mr. Bell, you describe what these Exhibits show. A. All

of these Exhibits show the passenger counts that were taken at the various points as identified on each of the Exhibits, which are the peak hauling point along these lines, either entering into or going out of the area within a three-block radius of the present-day terminals of AB&W and/or along the proposed extended route. It was made up for the purpose of showing the number of passengers that we have today in each 15-minute period throughout the operating day from 6:00 a.m. to 12:00 midnight, the amount of value that is [333] built into our schedules, the number of vehicles or trips that operate in each of these 15-minute periods, and whether or not there was an excess or shortage of value over passengers. And I think an examination of all of these Exhibits, you will only find one, 15-minute period of the day which is at Seventh and E Streets, Northwest, where there is a short in value of one. There are 54 passengers on a 53 value vehicle, and there is one value short.

In every period of all of these Exhibits every 15-minute period throughout the 18 hours it shows that there is ample room on all of these for the passengers transferring from the AB&W or WMA buses, and the majority of these lines operate through the area that we have been talking about today, that is, the area Fourteenth Street and H Street Eighteenth and L, within a three-block radius of it.

MR. CUNNINGHAM: I may have misunderstood the witness. But he said they reveal the passengers carried today. That was not intended was it?

THE WITNESS: Carried as of the dates shown on each of the individual readings.

I might add, too, here are shown the 1964 readings. Ordinarily we do not check a line, take a traffic reading, throughout the entire operating day. The Transit Commission's regulations ask that we submit to them readings at a specified number of times of the year in the morning rush hour and the [334] afternoon rush hour. In the summer, June, July and August, of 1964, I caused all of our lines to be read throughout the entire operating day, and that is why I have used these traffic checks

taken in 1964 and not a more up-to-date traffic reading. I do not believe that there has been any significant difference in the hauling in August, July and June of 1964, as compared to today.

This shows that D.C. Transit is providing, even with the AB&W, WMA transfer passengers, adequate service at all hours of the day throughout the areas that we have been discussing here today, in the District of Columbia.

\* \* \*

[338] A. \* \* \* All traffic will be further slowed down causing delays to all present riders of D.C. Transit into and through that area.

Moving the terminals promptly result in the loss of revenues D.C. Transit receives from the joint ticket fares. As has been shown by exhibit, this income each month amounts to a considerable sum of money, approximately \$600,000 annually.

Not only is there no increase in bus ridership to be expected for D.C. Transit, but D.C. Transit will not gain any offsetting savings from reduced operating expenses to make up the absolute loss of income.

The proposed route extensions are not in the best interests of the public. More of the public will be inconvenienced by the slowdown in all traffic and will be benefited from the avoidance of a transfer.

The proposed route extensions will not be in the public interest because they will cause more inconvenience for passengers going to and beyond 12th and Pennsylvania Avenue than the convenience to be gained by passengers going to the 18th and L Street area.

The proposed route extensions will not constitute any improvement in service because if the proposed extensions are ordered and the schedules mentioned by AB&W in this proceeding are adopted, most of the AB&W passengers going to 18th and L Streets, N.W., in the new area, will have to make one transfer each, as they have been doing, but instead of transferring as [339] they do now at the Federal Triangle in the District of Columbia, the Virginia passengers will have to make



their transfers in Virginia in order to pick up an AB&W bus going all the way to 18th and L Streets in the District.

Thus, as we understand the schedules which will result, most of the Virginia passengers will still have to make at least one transfer, but instead of the transfer taking place in the District as now, the transfers will have to take place in Virginia.

\* \* \*

[342]

WILLIAM E. BELL

\* \* \*

CROSS-EXAMINATION

\* \* \*

BY MR. KAHN:

[351] Q. Is there any way to determine from this exhibit <sup>[Nc. 19]</sup> the time or times when these people moved from that grided area to the vicinity of 18th and L? A. The only thing that is non-pertaining to time is that these people boarded a bus sometime between either 6:00 or 6:30 a.m. and 9:30 a.m. That is the three-hour period approximately.

Q. That would be the same answer to any other grid area that I asked you about? A. Yes. However, that is not shown on this exhibit as you have asked me. The answer is that there is no way from this exhibit of determining any time. The only way that I came up with the other answer was the fact that it has been stated, the time that the survey was made.

Q. Were you curious as to the responses by the traveling public where, after you plotted their origin points, that they were not on existing routes of AB&W or closely adjacent thereto? A. Yes, I was. I was curious about it. In fact, I had one I disregarded altogether where the person stated on the card they boarded the bus at Viers Mill Road and Twin Brook [352] Drive, which happens to be in the city of Rockville, Maryland.

Q. I can't tell approximately how many of these marks appear some distance, and I'm referring now to your wonderful overlay map,

which appear considerable distances from the existing routes of AB&W, but there are some, are there not, sir? A. Yes, there are. They can be identified by picking out the grids and going to these Exhibits 19 through 23 and taking the number off of the tabulation here and comparing it to the bar that is shown there.

\* \* \*

[354] Q. Mr. Bell, to the extent there are marking on the map which has now been identified for reference purposes, and also to the extent that it can be determined from Exhibit 17, some of the persons answering the survey card do not live within reasonable distance of an existing route of AB&W, is that true? A. If you will explain to me what you mean by "reasonable" sir.

Q. Reasonable to me is within three blocks. And the same standard that was used by the chief engineer in evaluating the convenience for destination service. A. There are quite a few that are farther than three blocks from their origin. Their origin is more than three blocks from an AB&W route.

[355] Q. Is it then possible some of the persons who responded to this card actually boarded a vehicle of AB&W at a point other than where he lived or closely adjacent to the route of AB&W? A. If the person who filled out the card lived in these areas away from it, that is true.

Q. And you understand that the only method in which the public obtained the card was by being a fare-paying passenger on a bus of AB&W? A. The person obtaining the card, yes, that was my understanding, that was how they were to be distributed.

Q. Is it then possible that a number of the persons, for example, that you indicate to be in Grid L-5, going into the so-called 18th and L Street area, may have boarded a vehicle of AB&W in some other grided area other than this particular grid? A. There is a possibility of that, yes, sir.

*where* Q. In other words, these people's cards do not in any way indicate ~~that~~ they boarded a bus of AB&W, do they? A. No, they do not.

Q. This is the last series of questions. You gave a statement on direct that the approval of these proposals would constitute a loss of approximately \$600,000 per annum to D.C. Transit. A. Yes, sir.

\* \* \*

[358] THE WITNESS: I estimate that there is between 80 and 90 percent of the joint-fare users between AB&W and D. C. Transit that go into that area, [No. 1 shown on Ex. 15] or out of that area.

Q. And this is your considered opinion from the general knowledge of your company's operations? A. Yes, and plus what the percentages that the survey cards showed of those returned.

Q. Well, then, do you believe, from that opinion, that all of the 1110 passengers set out in the staff report were in fact interline passengers? A. Yes.

\* \* \*

[365] Q. Is it the opinion of your company, it is originating, except on Saturdays and Sundays, approximately 4,480 persons, in Area 1, destined to points and places in Virginia served by AB&W?

\* \* \*

[367] THE WITNESS: Using the figure 80 per cent, on the average, 5600 passengers per day using the interline tickets, I would assume, then, that the 4,480 passengers purchasing tickets from D.C. Transit to be used on AB&W would be in this Zone 1.

BY MR. KAHN:

Q. Does your company have any information, firstly with respect to the destination of these assumed passengers on the routes of AB&W? A. At the present time, D.C. Transit is not in possession of any information with regard to these passengers' destinations.

Q. Do you have any information with respect to the times at which they may have traveled or would travel on an average day? A. That is not in the possession of D.C. Transit at this time.

\* \* \*

[372]

#### CROSS EXAMINATION

BY MR. CUNNINGHAM:

Q. Mr. Bell, when you analyzed the answers to the third question

on the survey card relating to the time of arrival at destination, were any peak period trends apparent? A. I didn't analyze the cards with regard to time of destination.

Q. You didn't? A. No, sir.

Q. Didn't you assume every bus operated by AB&W had 24.9 per cent of every one hundred persons wanting to go to your Zone 1? A. I did make that assumption, yes.

Q. Did you attempt to verify that assumption by the use of the survey card? A. There was no information on that survey card that could give me any identification as to what trip these passengers might ride on, particularly due to the fact they say they might arrive at their final destination, it was not clear in there whether or not that was the time they wished to [373] alight from the bus, or the time they wished to arrive in their office. On these types of surveys you will find there are many people who may not like to get into their office until 2 minutes or 5 minutes before their starting time, but would rather arrive downtown as much as an hour ahead of time to leisurely have their breakfast at some place near their place of employment.

Q. In any event, that is the time they want to utilize the bus? A. It doesn't say on that card that this is the time they wanted to utilize the bus. It simply says, I believe, without having a card before me, that the time that they wished to arrive at their destination is what is shown.

Q. Right. So you knew from the card what time they wanted to arrive at their destination? A. Arrive at their destination. That was on the card. However, I did not utilize that in any part of my summary of the cards that were submitted to me.

Q. Was the reason for this failure to make an attempt to verify it, because you recognized your assumption might be invalid?

MR. SPEAR: I object, Your Honor.

MR. ISON: I'm going to sustain the objection to the way you worded the question, Mr. Cunningham.

\* \* \*

[379] Q. I thought you just testified that there were probably in the vicinity of four thousand people daily originating in Zone 1 to Virginia? A. Approximately, yes.

Q. Do you know how many of the AB&W interline tickets were actually for the Eighteenth and L area? A. If you want me to be specific about any individual ticket, I don't know anything about any individual ticket.

Q. Do you know how many of the AB&W interline tickets that you collected were for the Eighteenth and L area? A. No, I do not, other than what has been shown from this survey that those passengers rode into that area. I would assume, or would prefer to be carried to that area — I would assume if they used D.C. Transit service after using AB&W service that they used the joint-fare ticket for the savings.

[380] Q. That is solely an assumption, you don't know? A. Right.

Q. Do you know how many of D.C. Transit interline tickets were sold in the Eighteenth and L area, or your Zone 1 area? A. No, I do not know exactly how many were sold in that area.

Q. Do you know how many of the AB&W tickets were sold at the Pentagon? A. I have no idea how many.

Q. Do you know how many of the AB&W ticket holders were going to the Zone 1 area? A. Only from an assumption from the survey.

Q. Should the bulk of the people buying tickets at the Pentagon be destined for the Eighteenth and L area, or the Zone 1 area? A. Is that a question?

Q. Yes.

MR. SPEAR: Would you read it, please, Mr. Reporter?

(Question read.)

MR. SPEAR: I don't understand the question. Is there an assumption that there is another part to the question? It just said, "Should they be destined?" Is the question complete?

MR. CUNNINGHAM: I think so.



[381] MR. SPEAR: I'm not sure I understand the question. Are you asking this witness whether certain people should go some place?

MR. CUNNINGHAM: He testified the bulk of the people going from the Pentagon in interline tickets are going to Zone 1. I ask him if this is where they should be destined.

MR. SPEAR: I don't understand what you mean by "destined."

MR. CUNNINGHAM: All right, strike the question.

MR. ISON: Go ahead, clarify the question.

BY MR. CUNNINGHAM:

Q. Is it your opinion, Mr. Bell, that most of the people buying AB&W interline tickets at the Pentagon, have as their ultimate destination the Zone 1 area? A. I don't know, whether they do or not.

Q. Would it be reasonable to assume that they would? A. I have nothing to base any assumption on, with regards to the people originating at the Pentagon, and their destinations.

Q. Do you know, or have an opinion, as to whether these people leaving the Pentagon in the p.m. rush hour are heading for their home or for work? A. Leaving the Pentagon in the p.m. rush hour, whether they are heading for home or for work?

Q. Yes. [382] A. I do not know where they are heading, no, sir.

Q. You have no idea where they are headed? A. I don't know where any one of them is going. I know no one that works there, and I know no personal habits of anyone over there where they are going when they leave the Pentagon.

\* \* \*

BY MR. CUNNINGHAM:

Q. Didn't you testify perhaps all of the interline revenue would be lost? A. My testimony was that the majority of tickets purchased by riders of AB&W who use them on D.C. Transit line, in or near the vicinity of their downtown terminal at Twelfth and Pennsylvania Avenue, Northwest. If these lines were to be extended as recommended by the Staff of the Commission, it is evident all of this revenue would be lost to D.C. Transit.

Q. Aren't the financial figures you placed in this record based on a complete loss? A. Yes.

Q. You already have shown this morning that figure may [383] be reduced a minimum of 20%?

MR. SPEAR: If Your Honor please, there has been no showing this witness has accepted or adopted the reduction of a 20 per cent figure. There has been no development of that. It is a mis-characterization of the witness's testimony to indicate he has.

MR. ISON: He may answer the question. Let him state that if that is so.

THE WITNESS: No, it is not. I said it could be reduced between 10 and 20 per cent.

BY MR. CUNNINGHAM:

Q. Is this possible reduction as to 20 per cent — possible also as to your exhibits as to May and June? A. Yes.

Q. Do you know whether all of the 1110 patrons who answered the survey card transferred to D.C. Transit? A. No, I don't. My figures show 1223.

Q. Do you know whether all of those 1223 transferred to D.C. Transit? A. There was no information on the cards to show how the people got to their ultimate destination.

Q. You do not know? A. I do not know.

Q. In the event only rush hour service is extended to Zone 1, would there then be a corresponding decrease in this [384] loss of estimate you gave for the non-rush hour period? A. That is possible, yes.

Q. You do transport interline passengers in the non-rush hour period? A. There is no time limitations on the use of these tickets.

Q. Do you know whether AB&W now provides no-transfer service from Virginia areas to Zone 2? A. Yes, they do.

Q. Does AB&W now provide direct no-transfer service from points in Virginia to Zone 3? A. Yes, that is their main terminal.

Q. Does AB&W now provide no-direct transfer service to portions of Zone 4? A. No.

Q. They do not? A. No. They go within one block of it.

Q. You have no knowledge as to how many AB&W interline passengers go to Zone 2, Zone 3, Zone 4, or Zone 5, other than the assumptions you have drawn? A. None other than what I have concluded from the card survey.

Q. Do any of the trips outlined on your Exhibits 34 through 80 provide direct service from Virginia to the Zone 1 area? [385] A. Direct service from Virginia to the Zone 1 area, no, sir. We have only one line operating in Virginia, and that is to the C.I.A. Building, by way of the Cabin John Bridge.

\* \* \*

[456]

WILLIAM E. BELL

\* \* \*

#### FURTHER DIRECT EXAMINATION

BY MR. SPEAR:

\* \* \*

[463] Q. In preparation for the hearing did you examine the compilation of PUC orders affecting WMA that make up Exhibit 87? A. Yes, I did.

Q. Did you also examine the PUC orders affecting AB&W that make up Exhibit 86? A. Yes.

Q. I direct your attention in Exhibit 87 to Orders Nos. 3682 dated June 14, 1950, and 4158 dated January 28, I believe, 1955, and ask you whether you have recently examined those particular orders? A. Yes, I have.

MR. CUNNINGHAM: May I have those again, Mr. Spear?

MR. SPEAR: Yes. 3682 and 4158.

BY MR. SPEAR:

Q. As a result of your examination of the orders in Exhibits 86

and 87, did you come to any conclusion as to whether or not the subject matter of the routes in 3682 and 4158 differed from all of the other orders? A. Yes. The Order No. 3682 and No. 4158 were the only ones issued by the Public Utilities Commission which were of a competitive nature with routes of D. C. Transit, or its predecessor, either directly or by transfer of service.

Q. You mean, by competitive nature, providing service along routes that were competitive with D. C. Transit? [464] A. Additional service along routes that were competitive with D. C. Transit or a new route competitive with D. C. Transit.

Q. In Orders Nos. 3682 and 4158 were there any findings by the Public Utilities Commission as to public convenience and necessity? Do you remember? A. Yes, there was a public hearing held on the matter.

Q. Was the hearing held on the subject of public convenience and necessity, do you remember in those two cases?

MR. KAMEROW: I object. I think these orders speak for themselves. I don't think it is this witness's place to comment on what these orders say. They speak for themselves.

MR. ISON: I think the objection is well taken, although I would be interested in the answer.

MR. SPEAR: I was trying to expedite the product of considerable study and make it available, and then subjected to cross examination.

MR. ISON: I sustain the objection. The order will speak for itself. They have all been made a part of the record for identification purposes.

\* \* \*

[482]

PARKER C. PETERMAN

\* \* \*

[484]

DIRECT EXAMINATION

BY MR. SPEAR:

\* \* \*

[492] Q. Mr. Witness, was there to your best recollection an

agreement joint fares would thereafter be used to solve the [493] questions of passenger convenience? A. Mr. Counsel, it is my understanding that there was an agreement between the parties that the joint fare would solve the problems confronting this Commission; that is to say, the problems of allowing the public to ride between areas of the city with the least amount of difficulty.

Now, this agreement I speak of, that you speak of -- perhaps we all speak of -- was not reduced to writing, gentlemen, but it is my humble layman's view that you can have agreements between gentlemen and honest and sincere parties without reducing them to writing, period.

Q. Are you then saying the agreement was an oral agreement, as you understand it? A. Yes, sir.

MR. SPEAR: Will you indulge me one moment?

BY MR. SPEAR:

Q. Is the consent filed by D. C. Transit, Mr. Peterman -- are you aware whether the consent filed by D. C. Transit to the joint tariffs involved in the prior questions is still on file and still in effect as of the present date? A. Yes, I believe it is.

\* \* \*

[494]

# CROSS EXAMINATION

BY MR. KAHN:

\* \* \*

[499] A. But this joint fare arrangement, as I understood it, went beyond the scope of the governmental installation, what we called the trans-Potomac fare, because the trans-Potomac fares were sold in a little different fashion. A person had to buy like a commuter book. The trans-Potomac fares were sold I understand only on certain lines. You could transfer and accept them only at certain places. The nature of this interline fare which we now have is more broad and sweeping. That is the only distinction that I would make, and that is what I alluded to, the fact that you may have been glossing over, you see?



Q. You mean, in your opinion and your recollection, that the companies concluded that the terms and conditions of the fare probably were too restrictive, and that they should be broadened? A. In our consideration of the joint fare arrangement, the companies were anxious to meet the requirements and the needs and the objectives of this Commission in providing a fare which would be acceptable all over the system wherever our lines came close together, so that we wouldn't be just talking about a restricted group of people that used to ride through the Pentagon.

I think the results have shown that, because our riding has increased from around 80,000 a month to 480,000 a month. So by opening it up to the whole system, we have, in fact, [500] given benefits to greater people. So to that extent, Mr. Kahn, I don't think you can strictly say that this was a continuation of something that existed. It was a continuation in part, but it is also broader and more sweeping, you see.

Q. Let me ask you this, if you recall: Was there any additional class of person in the District of Columbia served by the interline fare that is approved by Order 59 that was not served by the joint fare between AB&W Transit Company prior to this order?

MR. SPEAR: May I suggest the class of people portion of the question be stricken. I am not sure I understand what it means.

THE WITNESS: I don't either.

MR. KAHN: You don't understand? All right.

MR. SPEAR: D. C. Transit has only one class of passenger, they are all equal.

BY MR. KAHN:

Q. Is it true, Mr. Peterman, that anyone in the District of Columbia prior to Order No. 59 could have purchased a joint fare ticket between a point in the District of Columbia and the Pentagon, for example? A. Yes. They could have purchased what we called a trans-

Potomac ticket, which would enable them to go and connect with the AB&W buses and go into the Pentagon.

\* \* \*

[505] Q. What is your recollection of the agreement or understanding with the other gentlemen present at the conference with respect to the transfer convenience of the public that was to be served by the interline ticket? A. I can best answer that this way, Mr. Kahn. Our company was approached by representatives of AB&W. This representative told us that this Commission was anxious to find a way that the public could move easily between Virginia and the District of Co-



lumbia and the District of Columbia and Maryland and combinations thereof. And that it would be fitting and proper and reasonable for the companies to get together and come up with a proposal to the Commission, and that there were probably three possibilities: three transfers, joint fares, or through routes.

After a lot of discussion among all the parties, considering several meetings, it was my understanding what came out of those meetings was that the interests of everyone would be best served by meeting this need once and for all through the use of joint fare tickets.

That is the only way I know how to answer your question.

\* \* \*

[516] Q. You aren't aware Mr. Lawson suggested in this hearing under the leadership of this Commission that improved transfer arrangements be instituted between D. C. Transit and AB&W? A. I told you once before I didn't read his testimony and I don't know what he said.

Q. Well assuming that that is the fact, is D. C. Transit prepared to sit down with AB&W and seek to improve transfer arrangements?

MR. CUNNINGHAM: I object to that, Mr. Examiner. If the witness doesn't have any knowledge, I don't know how he can draw any assumption on it.

MR. KAHN: I said, assuming what he said was true, that AB&W --

MR. CUNNINGHAM: He doesn't know what he said, Mr. Kahn.

MR. SPEAR: I object to that.

MR. ISON: Read the question back, please.

(Question read.)

THE WITNESS: May I answer?

MR. ISON: You may answer.

THE WITNESS: Mr. Kahn, I may assure you that we are ready, willing and able to sit down in a cooperative spirit with any and all of our carriers in the metropolitan area.

\* \* \*

[ 524 ]

## REDIRECT EXAMINATION

BY MR. SPEAR:

Q. Mr. Peterman, just one question.

On your cross examination you were testifying about the number of passengers and fares that were riding between the District and the Pentagon area under the old trans-Potomac arrangement, and the number of joint fares now going across the Potomac under the new arrangement. You spoke of 80,000. You spoke of 480,000, when you talked about the increase.

Can you reconcile the figure, if you can, and testify to what happened since the joint fares were introduced? A. Yes. I have here month-by-month figures which I had taken off the books just this morning, and the trans-Potomac passengers were running around 80,000 a month.

Q. As of when? A. I have figures here from January through October 1961 -- I say around 80,000. There were some months where it hit 91,000. There were some other months where it hit only 76,000. But an average of about 80,000 would be about right.

Q. What is the monthly figure now for the joint fare use? A. The monthly figure, the latest figure I have is June 1965, and that figure is 480,322.

Q. Per month -- A. For the month of June 1965.

MR. SPEAR: That is all, Mr. Examiner.

[ 525 ] MR. KAHN: I have some questions on this new material.

## RECROSS EXAMINATION

BY MR. KAHN:

Q. Would you explain the computation of the trans-Potomac rider? You give us the figure 80,000. What does that represent as far as D.C. Transit, 80,000 coupons? A. No. This was 80,000 passengers. These are numbers of passengers.

Q. How were they computed, sir? A. They weren't computed, they were counted.



Q. Well, how were they counted? What document did you use to count them? A. From the sales of tickets.

Q. Did D.C. Transit sell 80,000 tickets on an average during the months of January and October, 1961? A. Yes, sir. Well, wait, let me explain a minute. That is 80,000 passengers, and I believe that is correct. Yes, it is based upon the sales and not the meter counters. I believe that is correct. But these are numbers of passengers versus-- in other words, a ticket was sold in the old days, 10 rides to a ticket. Well, each ticket then would represent 10 potential rides, you see, or 10 passengers per ticket. Do you understand?

Q. Yes. A. Okay.

Q. Does this 80,000 average represent 8,000 tickets that [526] were sold during the month? A. Yes, that would be about right.

Q. And they were good on the lines of AB&W and WV&M? A. I think that is correct, yes.

Q. Well, what about the return trips for these passengers? A. Well, I'm not sure how that worked, Mr. Kahn.

Q. What I'm trying to develop, Mr. Peterman -- A. These are numbers of passengers, and these figures are comparable, what I am giving you here.

Q. I am not sure that they are, sir, that is why I am asking you. A. All right.

Q. You told us that the 80,000 represents 8,000 ten-ride tickets that were sold by D. C. Transit, is that correct? A. I'm not sure whether that is how it is computed or not. I do know --

Q. Do you know -- Excuse me, sir. A. I do know, if I might be permitted to answer you --

Q. Yes. A. I do know these are numbers of passengers. The exact procedure that was in use at that time to arrive at our passengers, I cannot assure you of that at this time. I can tell you, though, that these are passenger statistics which we have used and which are consistently used with the 480,000 number.

[527] The point I'm trying to make, Mr. Kahn, is that this ridership has grown far beyond our expectations.

Q. I don't want to press, Mr. Peterman, but I think we ought to fairly develop whether or not this is a comparable figure. Do you know how the 80,000 figure was computed? A. I don't know specifically at this point.

Q. All right.

MR. SPEAR: Mr. Kahn, may I suggest --

MR. KAHN: You don't have to suggest anything. I'm asking the next question. You can ask on further direct.

MR. SPEAR: If you want further amplification, Mr. Bell is here, who previously testified about 20,000 trans-Potomac, by the week, on his schedule. This is four weeks. If you want to we can get Mr. Bell on the stand if it will save any time.

MR. KAHN: I'm not going to call Mr. Bell. This witness was asked by you -- you developed this evidence and I want to go into it.

MR. SPEAR: All right, if you want to proceed.

BY MR. KAHN:

Q. Now, the 480,000 for June 1965 was computed on what basis, sir? A. This is on the basis of passengers carried, both the tickets which we have sold and the tickets which we have honored from the other carriers.

Q. Now, the interline fare applies between WMA and D.C. [528] Transit, isn't that true? A. Yes.

Q. Now, WMA doesn't serve the Pentagon or the trans-Potomac installations, does it? A. I don't believe they do, no.

Q. So the inclusion of those tickets in both directions is improper, if you are going to compare it with the trans-Potomac traffic of some four years ago, isn't that true? A. I wouldn't agree it is improper. I think this is a comparison to show how an interline arrangement has grown in scope and size, and I told you some time ago, Mr. Kahn, that the operation of this interline arrangement is much different than the

trans-Potomac arrangement, because we have opened it up city-wide, and we have worked with more areas now available to the rider through this interline arrangement, and therefore I am not representing to you that 400,000 more people are riding to the Pentagon. That is not what I am representing.

Q. Oh. Wouldn't this indicate to you, then, improved service is acceptable to the public? A. Of course. We all know that.

Q. Yes. And you considered this when you entered into this understanding with AB&W and WV&M, back in your offices, that this was designed to improve the service to the public? A. Yes, definitely.

\* \* \*

[547] MR. CUNNINGHAM: Mr. Ison, at this time I would formally like to object to the introduction into evidence of Exhibits 89, 90, 91 and 92. All four of these <sup>documents</sup> ~~documents~~ are orders of the Commission relating to proposed Examiner reports. They are interim orders, subsequently superseded by final orders of the Commission in each one of those proceedings, ultimately resting in the issuance of a certificate of public convenience and necessity.

I feel they have no relevancy whatsoever in this proceeding, and as interim orders, should be stricken.

I would like to point out no witness of D. C. Transit has taken the stand to point out an ambiguity exists in any fashion in its Certificate No. 5. Therefore I see no reason for going behind the terms of that certificate.

\* \* \*

[559]

S. A. De STEFANO

\* \* \*

[564]

CROSS EXAMINATION

BY MR. CUNNINGHAM:

Q. Do you operate your buses to terminals or turnaround points in the District of Columbia, other than the terminal at 11th and Penn-

sylvania Avenue? A. Yes. We operate down along Constitution Avenue, and we have turnaround points down there.

Q. From there to where? A. Those routes operate over Constitution Avenue and into Virginia via the Lincoln Memorial Bridge or most of them [565] now are diverted to the Roosevelt Bridge.

Q. Where are these terminals downtown? A. It is up to 18th -- about 18th -- just two blocks up from Constitution Avenue on 18th.

Q. Do you also operate a terminal at 9th and Constitution Avenues? A. At 9th and Constitution Avenues, also, yes, sir.

Q. At 19th and C Street? A. 19th and C Street.

Q. Would you locate those for the Commission in the zones that Mr. Bell has testified to in Exhibit 81?

MR. DAVIS: That is the big map -- if you can.

BY MR. CUNNINGHAM:

Q. Let's take 9th and Constitution Avenue. A. 9th and Constitution Avenue I know goes down into the 3 zone, the 3 area.

Q. How about 19th and C? A. 19th and C is within the 2 area.

Q. How about 10th and E? A. 10th and E is within the 3 area.

Q. Do you have one at 18th and K? A. It is not a turnaround point.

Q. Would you look at the map again and tell me if your 10th and E terminal is in Zone 3? A. Yes.

[566] Q. Or Zone 1? A. No, it is in Zone 3. It could be right on the border.

Q. You do provide direct no-transfer rides for people in the Virginia area to the 18th and K area? A. From Virginia to the 18th and K?

Q. Yes. A. We do, yes, sir.

Q. That is in Zone 1? A. That is in Zone 1, that is right.

Q. Does the certificate of public convenience and necessity that has been issued by this Commission to your company designate the streets in the District of Columbia over which you are to operate? A. They do not.

Q. Is there any designation by the Commission as to the streets you shall operate over? A. Not by this Commission.

Q. Is there any designation in your WMATC certificate as to terminal location?

MR. DAVIS: Might we help the witness by handing him a copy of the certificate?

MR. CUNNINGHAM: Certainly, I would be glad to.

THE WITNESS: I would like to look at a copy of the certificate.

[567] MR. SPEAR: Doesn't it speak for itself?

MR. KAHN: It is Exhibit 88, I'm sure.

MR. DAVIS: Here it is.

MR. ISON: I might suggest, Mr. Cunningham, if you know that it doesn't, maybe he will accept your answer subject to check.

MR. CUNNINGHAM: To the best of my knowledge and belief it does not contain a terminal destination.

THE WITNESS: I didn't want to give an off-the-cuff answer. That is the best of my knowledge, too, but I was wanting to check it to make sure. It does not show 11th and E terminal.

BY MR. CUNNINGHAM:

Q. Now, I understand some of your service operates from Rosslyn over M Street into the 18th and K area, is that correct? A. Yes, sir.

Q. Does this parallel any D.C. Transit service? A. Yes, it does.

Q. Despite this parallel service, you operate a direct, no-transfer ride, between Virginia and the 18th and K area? A. With the exception -- yes, it does parallel one of D. C. Transit's routes up to Washington Circle, but it is a restricted operation, in that inbound we are not permitted to pick up passengers from the District, from Rosslyn Circle, across the bridge, inbound into Washington. Outbound we are [568] not permitted to discharge any passengers within the District of Columbia. In other words, we have a one-way restriction each way.



Q. Well, then although the service is parallel, it is not a competitive service you operate with Transit? A. It is not a competitive service.

Q. That is because they do not operate into Virginia? A. No. It is more than that. We don't operate that total line. If you mean competitive just between the Rosslyn Circle and Washington Circle, then you might be able to characterize it the way you have, but the route that they have that we parallel is their 38 line, which at Washington Circle goes down Pennsylvania Avenue and continues on to Union Station. We don't operate there.

Q. Because basically you are operating two different kinds of service, aren't you? You are operating interstate service, bringing people from Virginia into various points in these Zones 1, 2 and 3 in the District, and Transit, on the other hand, is operating in intra-District service? A. That is correct.

MR. CUNNINGHAM: That is all I have of this witness. Mr. Examiner.

\* \* \*

[571]

SAMUEL SARDINIA

\* \* \*

# DIRECT EXAMINATION

BY MR. KAMEROW:

\* \* \*

[572] Q. Now, Mr. Sardinia, to your knowledge has there ever been any agreement or understanding, oral or written, between [573] WMA Transit Company and D. C. Transit Company to the effect that WMA Transit Company would not seek to extend its lines into D. C. Transit territory, and that D. C. Transit would not seek to extend its lines into WMA Transit territory? A. No, there hasn't.

Q. Mr. Sardinia, I show you a document entitled, "WMA Transit Company proposed time table of buses to 18th and L Streets, N.W.,

Washington," and ask you if this was prepared under your supervision and direction. A. Yes, it was.

MR. KAMEROW: May this be marked as Exhibit 116?

MR. ISON: It may be so marked.

(The document referred to was marked Respondent's Exhibit No. 116 for identification.)

BY MR. KAMEROW:

Q. Will you state what this Exhibit purports to show? A. Yes, this Exhibit shows the points of origin that we would propose to start buses in Maryland, the times that these buses would leave those points of origin, and the routes that they would operate over, and the various points they would pass, and the time of arrival at 18th and L Street if this company were allowed to extend its service to 18th and L Streets, N.W.

\* \* \*

[577] Q. Will you explain what Exhibit 118 purports to show? A. Yes. Exhibit 118 shows that WMA maintains its costs and breaks them down into three categories: Direct costs, which are those costs which are affected by any increases or decreases in the bus hours operated. Indirect costs, which would be affected only by a substantial change in the bus hours operated. And fixed costs, which would not have -- would not be affected by any change in bus hours. The company also during 1964, the operations of the company indicated that our direct costs were \$4.00 per hour. Our indirect costs were fifty cents per hour. And our fixed costs were \$2.50 per hour, for a total cost of \$7.00 per hour. We also show by this Exhibit that based on the time checks we had taken for the average round-trip between 11th Street, N.W. and 18th and L Streets, N.W., we estimated a figure of 35 minutes round-trip which was an average speed of 4.8 miles per hour. Since 35 trips would be extended under the proposed schedule the additional minutes would be 1855 minutes, or 31 hours per day. Based on

a week-day operation, we would have 255 days of operation annually, and our costs would break down as we have indicated.

[578] In our opinion the total cost of extending to the 18th and L Streets area would be the direct costs and the indirect costs totaling \$35,573.

Q. Mr. Sardinia, I show you a document entitled, "Analysis of effects of fares if routes were extended to 18th and L Streets, N.W." and I ask you if this document was prepared under your supervision and direction. A. Yes, it was.

MR. KAMEROW: May this be marked as Exhibit 119?

MR. ISON: It will be so marked.

(The document referred to was marked Respondent's Exhibit No. 119 for identification.)

BY MR. KAMEROW:

Q. Will you explain what this Exhibit purports to show? A. Yes, this Exhibit shows the effect on fares and a comparison of fares between WMA and D.C. Transit if WMA extends its routes to 18th and L. We have taken two boarding locations. The District of Columbia, since we do provide service within the District of Columbia, and our fare is now twenty-five cents, in column 2 it shows that the present fare is twenty-five cents on WMA. In column 3 this would show the fare if one were to ride WMA and D.C. Transit under the present situation. That fare would be either twenty-five cents -- and that is because of a free transfer arrangement that now exists between the companies -- 46 and one-quarter cents, [579] which would be WMA's twenty-five cent cash fare and D. C. Transit's 21 and one-quarter cent token, or fifty cents, which would be D. C. and WMA's twenty-five cent cash fare each. We then show in column 4 the fare if the routes were extended to 18th and L. On WMA the fare would still be twenty-five cents. The last column indicates the savings to the D. C. passengers which would be none if the passenger was now transferring free, 21 and one-quarter cents if he was using a combination of D. C. Transit token, and WMA cash fare,

or twenty-five cents if he was using a D. C. cash fare and a WMA cash fare.

The next column indicates what happens if a passenger boards in Maryland, and here the joint-fare ticket is applicable, and the savings in the fifth column indicates that the passenger would save fifteen cents.

Q. Under the figures that you have developed in this Exhibit, is there any situation under which a Maryland passenger would pay more for his ride from Maryland to the vicinity of 18th and L? A. No.

Q. Are there situations where there will be a saving to him in fare? A. Yes. For all those people who now live in Maryland, who desire to go to the 18th and L area, they would save at least fifteen cents.

Q. Now, in your opinion, Mr. Sardinia, will the extension [580] of line as proposed by the Staff of this Commission generate a sufficient number of new riders to offset the increased costs to your company of approximately 35,573 dollars a year which it would cost your company in gross to institute this new service? A. Yes, it would. We have not made a study to determine what new passengers would be developed by this extension of routes. However, we want to point out that based upon an average fare of 43 cents, which average fare was determined by the average fare for an interstate rider in Maryland as opposed to the average fare for a D. C. local rider, we would require approximately 83,000 new one-way passengers to cover the cost of our extending of this route.

Q. Per annum? A. Per annum. Breaking this figure down, on an individual trip basis, we would only need six new one-way passengers per trip to cover our total operating costs. In our opinion, it is probable that more than six new one-way passengers per trip would be generated by this proposed extension of routes. I want to also point out that these figures do not take into account any potential additional monies that WMA would recover as a result of the difference between the

use of a joint-fare ticket which we pay two and one-half cents of now, and the extension of routes in which we would get two and one-half cents more fare from these people who are now using joint-fare [581] tickets.

Q. If you generated an average of more than six passengers per trip, this would then result in a profit to your company, instead of any loss? A. That is correct.

MR. KAMEROW: Your witness.

MR. ISON: Cross examination.

MR. SPEAR: Let's go off the record.

(Discussion off the record.)

MR. ISON: Back on the record.

Mr. Spear, will you please cross examine the witness?

MR. SPEAR: As I spelled out to the Hearing Examiner, we are unprepared to cross examine this witness at this time because of the nature of the Exhibits and testimony that we have been given today. We do not believe we can adequately protect the interests of D. C. Transit and the riding public in cross examining this witness at this time.

There are a few questions which appear to us we can ask on the basis of the present Exhibits, but we would only commence our examination if it is understood that when we finish these questions we will have the right to study these Exhibits for a couple hours, at least, and be entitled to cross examine further on those aspects which required additional computation and research and statistical analysis. \*\*\*

\* \* \*

[582] MR. SPEAR: I say again, Mr. Examiner, we cannot commence cross examination, unless knowing if we don't conclude today [583] we will have an opportunity at a subsequent time to pursue the examination further. I don't see how D.C. Transit can go forward with examination unless it understands it can complete it at a later date. I want it clear that if we start the first question on cross examination, we are doing so unprepared, and with the understanding that we do not



intend to complete our cross examination today at this hour, 6:00 o'clock at night. I think it is a matter of fact, it is only by the courtesy of all counsel present here to each other that we are sitting after the close of business hours today. I think it would be an imposition on the company, and on everyone here present, if we are put in the position of having to go forward at 6:00 o'clock to conclude the cross examination on new material, the Exhibits for which were not even offered to the company prior to the witness taking the stand.

MR. KAHN: I think it is unfair, Mr. <sup>Examiner</sup> ~~Edamner~~, for counsel for D. C. Transit now to infer any imposition on that company first because of the hour of the evening, and secondly because this record will show that several days ago Mr. Spear said many times on this record that he had 10 minutes more of evidence to introduce in this case. He came into this hearing this morning and dumped over one hundred Exhibits, and I use the word "dumped" because literally they were carried in by the bushel-load and placed. There was one Exhibit here, 85, I think that ran through "KK in number.

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[586]

#### CROSS EXAMINATION

BY MR. SPEAR:

Q. Mr. Sardinia, you testified as to the effect upon your net income which the proposed schedule, Exhibit 116 would have.

In its last fiscal year, did WMA have a profit or a loss from its D. C. operations? A. What do you mean by last fiscal year?

Q. Whatever period of time you prepare your reports for, calendar, 12-month period, calendar year, school subsidy year, any year at all that you have available. A. You have added one point. You said on its D. C. operations?

Q. Yes. A. Do you mean on strictly the D. C. operations?

[587] Q. Yes. A. The Transit Commission audits our records once a year for the fiscal year ending August 31st. The last audit was

as of August 31, 1964, and the records indicated that WMA sustained a loss in their fiscal operations in the District of Columbia. However, this is not construed to mean we had an overall loss from all of our operations.

Q. What was the amount of the loss for that period? A. It was in the thirty thousand dollar area. I don't recall the exact figure. Thirty one thousand or thirty-two thousand dollars.

Q. Do you have any available information which would indicate the results of your D. C. operations for any more recent 12-month period than the one you referred to, which is a year old? A. No, we don't.

Q. Now, did WMA overall for that same period of time sustain a loss or have a profit? A. Profit.

Q. What was the amount of the overall profit? A. I don't have the exact figure as of August 31, 1964, but I can say that it was in excess of \$125,000.

Q. Could you give us an estimate, Mr. Sardinia, as to the comparable figures for the 12-month period which is about to end now, that is, the amount of profit or loss from D.C. [588] operations and the overall net profit or loss of your company, for the present 12-month period, since we are near the end of August already? A. I can give you an estimate on the overall operations as of June 30, 1965. The net income -- this is after the other deductions, area of the financial statement, this is after interest and so on -- was \$130,000, for the fiscal year ended June 30, 1965. I can't give you any estimate as to the loss or profit that will result in the District of Columbia operations alone.

Q. Have there been any circumstances in the past year which have changed the probable outcome of D. C. operations from the outcome you had in the prior fiscal year? Is it reasonable to assume that the results of D. C. operations will produce about the same loss in this fiscal year as in the prior fiscal year, namely, \$31,000 or \$32,000?

A. I don't think we can assume that, because there have been wide variances in the past between the years. Thirty-one thousand or thirty-

two thousand was the figure last year, and it was a tremendous figure the year before, and it was another figure the year before that. A lot of this is based upon allocation methods that the Commission uses in allocating the operations to the District of Columbia.

Q. By a tremendous figure in the prior year, you mean a tremendous loss in the prior year? [589] A. Yes.

Q. You stated earlier that you had certain estimated results of operations which you would anticipate if the schedule proposed in your Exhibit 116 were adopted, both as to the number of passengers you would carry, and the financial results.

Were those projections made on the basis of the same manner of operating as in the past, namely, that in coming into the District you would not pick up any passengers west of the Anacostia River, and in leaving the District you would not discharge any passengers west of the Anacostia River? A. Yes. These figures contemplate our providing local service within Washington in the area that we serve.

Q. No, but I ask now whether you have made your assumption -- your projections on the assumption that all passengers when you are coming into the District -- on the assumption that passengers will not be picked up west of the Anacostia River when you are coming into the District, even though you now go to 18th and L on your assumption. Let's stop at that part of the question. A. Which projections do you mean?

Q. Well, let me back up to a prior part of the testimony. On your existing service, you do not, when you come into the District, pick up any passengers once you cross the Anacostia River, do you? A. That is correct.

\* \* \*

[595] Q. I'm sorry, the figure six was the figure you estimated to break even. I think you expected to get ten new passengers? A. I didn't say ten; I said more than six.

Q. Didn't you use the figure ten in your direct testimony? A. No.

Q. Did you use the figure eight? A. No.

Q. Did you use average of eight? A. No.

Q. Other than the break even figure didn't you estimate the number of passengers you thought you would actually receive -- new passengers from the schedule proposed in Exhibit 116? A. No, I said we would require 83,000 new one-way passengers annually, and breaking that down on an individual trip basis it would average six new passengers per trip -- six new one-way passengers per trip.

Q. Do you in fact believe if the schedule adopted in Exhibit 116 were put into effect, that you would in fact receive [596] six additional passengers as an average on each trip? A. Yes, we do.

Q. Do you have any idea of how many additional passengers you would actually achieve as an average on each trip? A. No. We said we hadn't made any studies as to the new passengers that would be generated. However, based upon my experience, when you provide a substantial improvement in service, and we think this is, we believe that it will generate at least six new passengers.

Q. Well, you indicated that you haven't made any study as to how many passengers you will in fact receive, and yet you are prepared to state that in your judgment you will increase your passengers as an average by the number of six.

Now, would you tell us precisely how you come to the result that you will average six? How do you compute that you will average six? A. I did not say that we would average six. I said that we would require six passengers to break even based upon the operating costs which we have submitted as an Exhibit, simply dividing the average fare that would be generated by six passengers into the total costs you come up with a break-even in your operations by generating six passengers. I said that I believe that we would generate more than six new passengers. I didn't say how many more. I don't know how many more. But in my opinion we would generate more than six.

[597] Q. Well, would you explain on what basis you have reached

the conclusion that you will generate more than six? A. As I said based on my own experience in the operation, where there is an increase in service a substantial improvement in service we have found that there is an increase in the passengers who use the service.

Q. How do you come up with your judgment that the increase will amount to an average of one more passenger a trip, but rather it will amount to at least six? On what do you base the six?

MR. KAMEROW: I submit he answered the question three times. I object to the question.

MR. SPEAR: I think this goes to the heart of the validity.

MR. KAMEROW: He based his opinion on the facts he based them on, and he answered it fully three times.

MR. ISON: Have you justification for your projections of six or more?

MR. SPEAR: He hasn't had any yet.

MR. ISON: He said he based his figure on his experience in the transportation industry.

THE WITNESS: Six is not an unusually large number of passengers to generate by a proposed service as we are proposing to operate. The figures which you have submitted indicated there was a tremendous increase in passengers just by [598] the joint-fare tickets that were incorporated in 1961. We know where we put service out in various areas in Maryland that we generate, where the service is improved, we generated additional people. I don't think six passengers or more than six passengers is an unreasonable figure to use in my opinion as to the numbers that will be generated per trip.

BY MR. SPEAR:

Q. Let me ask you some other questions. Have you made any time within the past several years, any passenger traffic checks or origin or destination studies along your routes which would bear on the testimony you have given earlier that you would expect to receive at least six passengers as an average, that would be interested in going



Q. Did you use the figure eight? A. No.

Q. Did you use average of eight? A. No.

Q. Other than the break even figure didn't you estimate the number of passengers you thought you would actually receive -- new passengers from the schedule proposed in Exhibit 116? A. No, I said we would require 83,000 new one-way passengers annually, and breaking that down on an individual trip basis it would average six new passengers per trip -- six new one-way passengers per trip.

Q. Do you in fact believe if the schedule adopted in Exhibit 116 were put into effect, that you would in fact receive [596] six additional passengers as an average on each trip? A. Yes, we do.

Q. Do you have any idea of how many additional passengers you would actually achieve as an average on each trip? A. No. We said we hadn't made any studies as to the new passengers that would be generated. However, based upon my experience, when you provide a substantial improvement in service, and we think this is, we believe that it will generate at least six new passengers.

Q. Well, you indicated that you haven't made any study as to how many passengers you will in fact receive, and yet you are prepared to state that in your judgment you will increase your passengers as an average by the number of six.

Now, would you tell us precisely how you come to the result that you will average six? How do you compute that you will average six? A. I did not say that we would average six. I said that we would require six passengers to break even based upon the operating costs which we have submitted as an Exhibit, simply dividing the average fare that would be generated by six passengers into the total costs you come up with a break-even in your operations by generating six passengers. I said that I believe that we would generate more than six new passengers. I didn't say how many more. I don't know how many more. But in my opinion we would generate more than six.

[597] Q. Well, would you explain on what basis you have reached

the conclusion that you will generate more than six? A. As I said based on my own experience in the operation, where there is an increase in service a substantial improvement in service we have found that there is an increase in the passengers who use the service.

Q. How do you come up with your judgment that the increase will amount to an average of one more passenger a trip, but rather it will amount to at least six? On what do you base the six?

MR. KAMEROW: I submit he answered the question three times. I object to the question.

MR. SPEAR: I think this goes to the heart of the validity.

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BY MR. SPEAR:

Q. Let me ask you some other questions. Have you made any time within the past several years, any passenger traffic checks or origin or destination studies along your routes which would bear on the testimony you have given earlier that you would expect to receive at least six passengers as an average, that would be interested in going

on your service in order to get to 18th and L? A. We have made many studies in the past in which we go into an area and ask the people would they use the service if the buses were provided, or if additional service was put in. Also, the GSA has made a study in which they indicated in their report which was made a part of this record the numbers of people who would use service if certain things were done. We don't apply a tremendous amount of weight to these surveys because in the final analysis it comes down to what you have experienced on the basis of a given operation, and again, I say, in our opinion, based upon my experience in the transit industry, we would generate more than six passengers per trip.

[599] Q. But the question was whether any studies -- I will ask you now -- were any of the studies you said you have made a part of the many you have made in your last answer -- were any of those studies bearing directly on the question of passenger desires insofar as going to 18th and L were concerned -- were any studies made by you? Did any of them relate to going to 18th and L? A. Do you mean with regard to new people who were not riding the buses?

Q. Have you done any studies that you could refer to that would bear on your judgment that in your opinion you would have an average of at least six passengers will go to -- new passengers to take your service, if the extension were granted? Have you made any studies? A. I have not conducted any specific study.

Q. Has your company, I mean you or your company, made any specific studies? A. My company has not conducted any specific study to determine the numbers of new passengers that would be developed if we were to extend our service to 18th and K, or 18th and L.

Q. On Exhibit 117, in the third paragraph, the last sentence states: "The remaining 25 per cent could ride to the K Street area with no more than one transfer."

Do you mean by that that if your schedule were adopted, that is to say, the one in Exhibit 116, that there [600] would still be 25 per cent

of the passengers during the rush hour who would still have to use a transfer to get from the K Street area, the new area, to your areas served in Maryland and east of the Anacostia River? Is that what you mean by 25 per cent? A. Could you read that question back, please?

(Question read.)

THE WITNESS: I can answer that this way: Yes, there would be 25 per cent of the people who, if they wanted to go to 18th and L Street, would have to transfer. Now, this does not mean they would have to transfer to D. C. Transit. They could transfer to WMA Transit. And the reason for that is that above that, in paragraph 1, you will note the routes that we picked to extend. There are other routes that we did not pick to extend, and to the extent that people live along the routes that we did not pick, these people would have to get to a point where they would either transfer to WMA, to go to 18th and L, or to D. C. Transit.

Q. Now would the average of six passengers per trip that you referred to earlier be only on those routes that are extended to 18th and L, or would it be an average applicable to every route served by you? A. It would be those routes -- there were thirty-five trips that we proposed to extend to 18th and L. Using those thirty-five trips, it requires six passengers per trip extended [601] to 18th and L to develop this break-even point.

Q. Now, Mr. Sardinia, were you present in the hearing room, or are you familiar with the schedules and maps constituting the analysis of Mr. Bell of D. C. Transit as to the survey cards in this proceeding? Have you familiarized yourself with those analyses? A. To some extent.

Q. Are you familiar, for example, with Exhibit No. 15? I direct your attention to it.

MR. KAMEROW: Just a moment, let me get it for him.

MR. ISON: I will give it to him.

MR. KAMEROW: Oh, there it is.

(The Exhibit was handed to the witness by the Examiner.)

BY MR. SPEAR:

Q. Are you familiar with that map? A. Yes.

Q. Were you in the hearing room at the time it was being discussed? A. Yes.

Q. Now, I direct your attention to the figure shown opposite WMA in Area No. 1, in parenthesis 29.8 per cent close parenthesis, which also is reflected incidentally in the overlay next to you at the witness stand in Exhibit 81, and ask you whether you are familiar with what that 29.8 per cent figure represents as testified to by Mr. Bell? [602] A. Yes.

Q. If you will remember Mr. Bell indicated that his analysis of the questionnaire cards would lead him to the conclusion that 29.8 per cent of the WMA passengers destined for Area No. 1 at the present time now use a transfer, to get to Area No. 1 if they are coming into the District by your service, at least on the morning on which the questionnaire cards were distributed.

Now, would you explain how there would be, in your opinion, any improvement in passenger convenience or benefit to the public if you now have 29.8 per cent who must use a transfer, and under your Exhibit 25 per cent of the rush-hour passengers would have to continue to use a transfer?

MR. KAMEROW: That isn't what he testified to. I object to the question. The question does not accurately reflect the facts that appear in the record.

MR. ISON: I don't think the record shows, Mr. Spear, that the 29 per cent actually transferred. It just doesn't show how they get there. I believe the record shows they are destined to that area without saying how they get there.

MR. SPEAR: I gather the objection was not to that figure but to the 25 per cent figure as characterized.



THE WITNESS: I think I can clarify that in answer to your question. The 75 per cent figure that I use would -- this is under the assumption Mr. Bell's testimony was correct, that [603] all of these people are transferring in my opinion they are not all transferring, a lot of them are walking and so on, but under that assumption my 75 per cent figure would be 75 per cent of the 29.8 figure. Because if 29.8 per cent of the people going into the area, 75 per cent of these would go into that area without a transfer, or would have the opportunity to do so under my proposal.

BY MR. SPEAR:

Q. Now, looking at your schedule, Exhibit No. 116, I noticed that you have a bus that passes Suitland at 7:03 a.m., and the next one doesn't pass Suitland until 7:31 a.m.

Is it your view that the public convenience and necessity is best served, the passenger convenience is well served by an interval at that time of day of half an hour between the stops at Suitland? A. First of all the interval is 28 minutes under that situation, that is No. 1. No. 2, that doesn't purport to be all of the service that passes Suitland between 7:03 and 7:31. It only purports to be that service which would go to 18th and L Streets.

Q. Yes. I mean is it your view that this would be, or would make a material difference in passenger convenience with that 28-minute gap for the passenger at Suitland going to 18th and L? A. Yes, and I can explain why.

[604] Q. Would you? A. Our people who board buses in Maryland have a much more limited amount of service than people who board our buses in the District, since most of our lines merge in the District of Columbia. These people of necessity live by their schedules. If there is a bus passing at 7:03, that is the time they arrange to get out there to pick up that bus. If there is another bus at 7:31, that is the time they arrange to get out there. They just don't go out there and stand and wait for whatever the next bus is.

Q. Now, I refer you at the bottom of the schedule to the departures from Washington, that is, Exhibit 116, departures from Washington. I notice that leaving 18th and L, you propose a schedule with four buses all leaving for four different routes all at 4:48.

What would be your opinion as to the impact of that schedule on traffic in the area, the other carriers, and the transportation problems generally in the 18th and L area? A. Well, we don't believe that with the tremendous amount of equipment you have already indicated that is in the area, that the addition of four more buses at 4:48 will sufficiently cause a tremendous congestion in the area.

Q. How about four leaving at 5:48 and 5:49? A. The same answer would hold true. This schedule, while it indicates 5:48, it is doubtful that every bus would [605] leave at exactly 5:48. There might be buses leaving at 5:48, and ten seconds, 5:48 and 20 seconds, 5:48 and 30 seconds, and so on.

Q. I direct your attention to the top of Exhibit 116, and I ask you now to look at the very first trip. The Greenbelt origin, departure of 6:30, on Route R, destined for 11th and Pennsylvania at 7:20.

Do you now have a bus that makes that trip, that is to say, without the extension to 18th and L? A. Yes.

Q. What does that bus do now when it gets to 11th and Pennsylvania on the present schedule, without the new schedule, that is? At the present time the bus that comes in from Greenbelt and arrives at 7:20, what does it do? A. I'm not sure what the bus does. He may deadhead back to the terminal if he is not needed, or he may go back into Maryland and pull another trip.

Q. What does your present schedule contemplate I mean, what do you do now with that bus? A. You asked me what he does now, and I don't know what that bus specifically does, whether he deadheads back to the terminal now, or whether he pulls another trip from 11th and Pennsylvania Avenue.

\* \* \*

[611] Q. Now, earlier you testified that you believed that [612] no additional equipment would be needed by you to provide the additional service, am I correct? A. No, I didn't testify to that.

Q. Well, how much additional equipment would you need, just to provide the service contemplated by Exhibit 116? A. A maximum of two additional vehicles. Excuse me -- elaborating further, it is possible, once the schedule were developed and incorporated into our existing operation that it could be run without any additional vehicles; as a matter of hooking up.

Q. Now, directing your attention to the top of Exhibit 116, the inbound passenger service in the morning. During the rush-hour period, are not all of your buses standing-room only by the time they get to the last stop at 11th and Pennsylvania Avenue? A. By the time the bus arrives at 11th and Pennsylvania Avenue I don't think there is anybody standing on the bus.

Q. Perhaps I misunderstand the exhibit, the other portion of the top of 116. Please correct me if I am wrong.

Do you contemplate that you have -- do you intend that all of the stops on all of the service shown at the top of Exhibit 116 are reflected in this exhibit? Will any of the buses departing at the times indicated and arriving at the times indicated make any stops other than those shown at the top of Exhibit 116? [613] A. They will make additional stops.

\* \* \*

[634] Q. Mr. Sardinia, have you included in your projections in the \$4.00 figure on Exhibit 118, any additional depreciation for the new equipment that you have indicated you will need? A. No, I haven't, for this reason: We do not contemplate the purchase of any additional equipment if these routes extended to 18th and "L". We testified that the maximum amount of vehicles would be two. We feel that it might be none, or it may be one. We feel that this cost would be -- we have

the vehicles now to operate this service, and wouldn't have to purchase any new equipment.

Q. Mr. Sardinia, are the specific streets over which you operate your service within the District of Columbia specified in your Certificate WMATC No. 8? A. No.

\* \* \*

[639] BY MR. CUNNINGHAM:

Q. Mr. Sardinia, you testified you anticipate picking up approximately, rather, a minimum of six new passengers per trip, and you have further refined that in saying six or more people will be added who are not presently riding transit facilities, that are riding cars or other type of vehicles.

Do you feel, then, that these people are presently driving their cars to the 18th and "L" area? A. Yes, I do.

Q. To the extent people will switch from cars to your buses, will this aid in relieving congestion in the Zone 1 area? A. Yes, it would.

\* \* \*

[641]

CHARLES W. OVERHOUSE

\* \* \*

# REBUTTAL DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Mr. Overhouse, you have previously been sworn? A. Yes.

Q. There has been some previous testimony by Mr. Bell and Mr. Lawson that the staff proposal, as it relates to AB&W will simply shift the point of transfer from the District of Columbia to the other side of the river in Virginia.

[642] In your opinion, is this either the intent or will it be the practical effect of the proposal? A. No. I have never suggested that transfers be made in Virginia in lieu of the District of Columbia. However, I have no objection to passengers transferring in Virginia, who cannot be accommodated by through service to the area in the vicinity of 18th and "L" Streets, N.W.

In the future, when I make reference to the area of 18th and "L", I will refer to it as Area 1 shown on the D. C. Transit map.

In fact, many AB&W passengers transfer in Virginia from one line to another, and must again transfer in the District of Columbia in order to get to their destinations. Many of the latter transfers should and will be eliminated if through service is provided to Area 1. The intent of my proposal is to authorize AB&W to serve Area 1, and then for AB&W to operate trips to Area 1 in accordance with passengers requirements. The service should be designed to handle the passengers direct from Virginia to Area 1, without transfer.

Q. Do you agree that the present AB&W terminal at 12th and Pennsylvania should or would, under the proposal, have to be moved?

A. No. I have never suggested the terminal at 12th and Pennsylvania Avenue, N.W., be moved. It is my opinion that the conclusion reached by Mr. Bell that all buses must go [643] to Area No. 1 is in error. The number of passengers going to Area No. 3, as shown on the D.C. Transit map, indicates that 36 percent of the passengers wish to go to Area No. 3. And therefore, a terminal must remain in this area. A study of the map used by Mr. Bell in his explanation indicates that buses traveling to Area 1 will also pass through and serve a portion of Area No. 3. In fact, it is quite possible that buses going to Area 1 from Virginia can use the 12th Street Expressway, and thus serve the terminal located in Area No. 3. The establishment of another terminal in the District of Columbia is not a new concept. The National Park Service has discussed with me the possibility of closing Memorial Bridge to bus traffic. If this should occur, to accommodate Area 2 passengers, it would be necessary to operate buses over the 14th Street Bridge, thence west along <sup>Constitution</sup> ~~Constitution~~ Avenue to a terminal in the vicinity of 22nd and "C" Streets, N.W.

Nor is the concept of serving two population centers new. WV&M Coach Company offers a diversified service between Virginia and Washington, D.C., over Key, Memorial, Theodore Roosevelt, and 14th Street



Bridges. Service on WV&M's routes, 1, 2, 3, 4 and 6, splits to provide direct service in the rush hours across Key Bridge, primarily for those persons working in Area 1, and across Memorial and Theodore Roosevelt Bridges primarily for those persons working in areas [644] 2 and 3. It should be noted that WV&M starts service from Area 2 as well as in Area 3 in the P.M. rush hour.

Q. Have you compared the certificates of public convenience and necessity issued to WV&M, an exhibit in this record, with the certificate of public convenience and necessity issued by this Commission to AB&W? A. Yes.

Certificates of public convenience and necessity issued to both WV&M and AB&W by our Commission are similar.

Q. How are they similar? A. Certificate No. 11, issued to AB&W, describes a regular route as between Washington, D.C. and Virginia; between Washington, D.C., Maryland and Virginia, restricted, however, unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland and the District of Columbia.

Certificate No. 4, issued to WV&M by our Commission describes the regular routes as between Washington, D.C. and points in Virginia, and between points in Virginia and points in Maryland, serving all intermediate points. Restricted, however, unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland and the District of Columbia.

MR. SPEAR: If your Honor please, I am going to object to any further questions resulting in reading or interpreting [645] certificates, on the same grounds that the Examiner sustained objections before to our questions.

The certificates speak for themselves, and I don't think not only the lateness of the hour or the proceeding calls for that kind of testimony.

MR. ISON: All right.

MR. SPEAR: I object to any further answer to the question.

BY MR. CUNNINGHAM:

Q. Mr. Overhouse, in order to serve the patrons of Arlington County, Fairfax County, Falls Church, does WV&M provide service to Areas 1, 2 and 3, described on the D. C. Transit map? A. Yes.

Q. Does it appear to you that AB&W should provide similar service for its patrons in Alexandria, Arlington County, and Fairfax County? A. Yes, I think so.

Q. Is WV&M required to transfer its passengers to D. C. Transit who wish to go to Area 1, even though D. C. Transit operates bus service from Rosslyn, from the Key Bridge, to Washington, D.C.? A. No, WV&M Coach Company is not required to transfer those passengers. In fact, they operate all the way along "K" Street there, the same routes also served by D. C. Transit.

Q. Did you hear Mr. De Stefano testify that better [646] than 50 percent of his loads destined for 11th and Pennsylvania area traversing "K" Street are discharged by the intersection at 15th and "K"? A. Yes, I recall that.

Q. Is it your opinion WV&M, then, should be restricted and their service terminated at that point, rather than being allowed --

MR. DAVIS: I object.

MR. CUNNINGHAM: May I continue, sir?

MR. DAVIS: Yes, you may.

BY: MR. CUNNINGHAM

Q. -- rather than continuing in its present service?

MR. SPEAR: Could I have the question read, Mr. Examiner?  
(Question was read.)

MR. ISON: You may answer, Mr. Overhouse.

MR. DAVIS: May I note my reason, sir?

MR. ISON: Yes.

MR. DAVIS: Thank you.

The question asked of this witness is for an opinion with respect

to a service or curtailment of service of the WV&M Coach Company, which is not a subject of the investigation or recommendation made by this Commission's staff. Therefore, it is beyond the scope of the investigation.

MR. CUNNINGHAM: I think there is an analogy.

MR. ISON: I think it goes to a principle, Mr. Davis.

[647] MR. DAVIS: What would the principle be, sir?

MR. ISON: Let's let Mr. Overhouse answer. I think it will be a yes or no answer.

THE WITNESS: No, I don't think WV&M should be restricted from going on and serving the people of Virginia. I think there is a requirement, a public demand, from the people of Virginia, to go down to the 11th and "E" Terminal.

BY MR. CUNNINGHAM:

Q. Did you hear Mr. De Stefano testify that WV&M operates parallel but non-competitive service with D. C. Transit between the area of Key Bridge and Zone 1? A. Yes, Mr. De Stefano said his service was an interstate service from Virginia, into Washington, D.C.; whereas D. C. Transit was a District of Columbia service, a local service.

Q. Do you draw any distinction between his categorization of comparison of service and that under consideration here today, namely, the route extension of AB&W? A. Yes, I think they are similar. I think WV&M provides an interstate service for the people of Virginia to Washington, D.C.; and AB&W provides a similar type of service for the Virginia residents.

Q. Have you made a search to determine whether or not there is a need for WV&M to provide service in Area 1? A. What carrier was that you are talking about?

[648] Q. WV&M. A. Oh, yes. We made some traffic checks on May 12, 1965, which indicated that 122 WV&M trips operated across Key Bridge, and primarily serve Area 1 between 6:00 a.m. and 9:00 a.m., and a total of 76 WV&M trips operate across Memorial and Theo-

dore Roosevelt Bridge to serve Areas 2 and 3 between 6:00 a.m. and 9:00 a.m. This indicates to me the WV&M Coach Company has more demand for service in Area 1 than it does for Areas 2 and 3. It should also be noted that in a report of the Engineering Department of this Commission in the last WV&M Coach Company rate case, traffic checks indicated that additional service should be provided in order to meet passenger demand. It was recommended that a total of seven trips be added during the rush hours. The checks indicated that out of the seven trips required, six were needed to serve Area 1 and only one trip was needed to serve Areas 2 and 3. The service provided by the WV&M Coach Company was recommended by the Engineering Department. This indicates there is an increasing demand for service in Area 1.

MR. DAVIS: Mr. Examiner, again I would like to contend to the Commission, and to the Examiner, that while this testimony here does not adversely affect the rights of WV&M, the testimony does go to subject matter which was way beyond the scope of the investigation in this proceeding.

MR. ISON: Your objection will be noted in the record, [649] Mr. Davis.

BY MR. CUNNINGHAM:

Q. Did you tie this information just testified to into that testimony previously testified to by Mr. Heath, and Mr. Hanson, in regard to the development of the employee population located in Zone 1? A. Yes. Mr. Heath and Mr. Hanson and Mr. Foreman, did you say?

Q. Heath and Hanson. A. Heath and Hanson, of course, and also the testimony of Mr. Foreman, plus the fact WV&M has a service to Area No. 1, certainly indicates to me that Area No. 1 is growing and needs additional service.

Q. Do you agree with Mr. Bell's testimony that all of AB&W's 12th and Pennsylvania Avenue business must be rerouted to 18th and "L"? A. Mr. Bell's concept, beginning on Transcript Page 284 is a gross

misconception of how the service should be rendered. It is not necessary to shift all buses to the area No. 1 in order to accommodate 25.9 percent of the total passengers carried to Areas 1, 2, 3, 4 and 5; at the most, only 25 percent of the buses should be dispatched to Area No. 1 under prudent management.

Further, it is not my proposal that 25 percent of the buses operate to Area 1.

[650] The principal error in Mr. Bell's concept is because he could not determine whether there was enough accumulation of passengers at a given time on a given line to fill a bus bound for Area 1. He therefore assumed that all buses must be sent to Area 1 in order to handle the 25.9 percent of AB&W's patronage bound for Area 1. The point is that each bus need not have 25.9 percent of passengers to Area 1. It is entirely reasonable to assume that it is possible to schedule service as to get 100 percent Area 1 passengers in a bus. However, it is not necessary to get 100 percent Area 1 passengers on a bus. Certainly those Area 3 passengers along and in the vicinity of 14th Street, could be accommodated by Area 1 buses.

When these buses from Virginia go to Area 1, if it is authorized, they go along 14th Street, which is in Area 3. Certainly all those passengers could be accommodated by those buses going to Area 1.

Further, should the Area 1 buses use the 12th Street Expressway, it could serve the Area 3 terminal at 12th and Pennsylvania on its way to Area 1. Thus, Mr. Bell's contention on page 287 of the transcript that the proposed extension would inconvenience 1,696 Area 3 passengers is in error.

Q. Mr. Overhouse, did the number of passengers wishing to go to Area 1 persuade you that some direct service should be provided?

[651] A. Yes. It was my hope that the Commission would find that public demand required an extension of routes to this area. I felt that the Commission's staff and the operating companies could work out the number of trips that should be extended after the Commission had



found a need for the service. The study conducted by D. C. Transit has now clarified areas of riders' origins, and I can recommend at this time that AB&W begin operations with buses -- with one bus on Route 7, one Bus on Route 14, and one bus on Route 16. These three buses should be scheduled across the 14th Street Bridge at approximately 8:30 a.m. Monday through Friday.

MR. KAHN: 8:30?

THE WITNESS: 8:30 a.m., Monday through Friday. On the return trips during the p.m., these three buses should cross the 14th Street Bridge at approximately 5:30 p.m.

BY MR. CUNNINGHAM:

Q. Do you believe, then, one line, as advocated by Mr. Lawson is impractical to solve the problem as you define it? A. Yes, it is my opinion Mr. Lawson, in conceiving his proposed service, did not have sufficient efficient information before him to determine the areas that should be served in Virginia, and the time the buses should be operated. For example, he proposed that service be operated during the mid-day, and certainly we have nothing before us to show that service is required during that period.

[652] I also cannot understand how he arrived at the frequency of service during the commuter period, when he did not know how many passengers originated on his proposed route, or the times that they wished to travel.

He admitted that he did not base his proposed service on the origins set forth on the cards. I have estimated the costs of operating, the three a.m. commuter trips, and the three p.m. commuter trips to be \$8.92 per day, on the basis of an operating cost of 73.2 cents per mile. On an annual basis this cost amounts to \$21,061.92. This cost per-mile was introduced into evidence by Witness George Snyder, in Exhibit No. 9. I have estimated the revenue for these proposed operations to be \$101.25 per day on the basis of 50 passengers per bus, with an average fare of 33.75 cents per passenger. On an annual basis this revenue amounts to \$25,717.50.

Q. Did you listen to, and have you considered the proposal of WMA Transit Company? A. Yes, I have.

Q. Did you consider it both feasible and/or practical? A. Yes. I do. Although I testified in connection with the interstate service of WMA and AB&W, I do not wish to rule out the service provided by WMA from the area east of the Anacostia River to the District of Columbia area west of the Anacostia River. It should be noted that WMA is [653] restricted by certificate to operate over certain streets in the District of Columbia east of the Anacostia River, but that the streets are not named in the certificate west of the Anacostia River. Thus, I reason that WMA has authority to operate over streets in the District of Columbia west of the Anacostia River for which there is a demand and need.

Q. Is your recommendation that direct service be provided to patrons of AB&W and WMA a unique or new idea? A. No, it isn't.

D. C. Transit is constantly endeavoring to improve its service by eliminating transfer connections through the combining of routes. WV&M operates many diversified routes in the District of Columbia to provide direct service.

Q. Mr. Overhouse, how will your recommendations affect D. C. Transit? A. Well, it is the three a.m. and three p.m. commuter trips I recommended to be operated by AB&W, it is my view they will not materially affect D. C. Transit financially. Assuming that all of the passengers riding this service, that is 300 passenger trips daily, presently use interline tickets, the loss to D. C. Transit would be \$52.50 per day, and you take 17 and 1/2 cents times the 300 to equal the \$52.50 per day. That is how I arrived at the figure of \$52.50 per day on Mondays through Fridays. And that on an annual basis amounts to \$13,335.

[654] Q. Is it your view that patrons of AB&W who wish to go to Area 1 should be offered bus service at the same fares as those patrons of AB&W who work in Areas 2, 3 and 4? A. Yes. I think people

of Virginia should have comparable service at comparable rates. I think WV&M serves a portion of Virginia satisfactorily for those patrons who wish to go to Washington, D.C. And I think AB&W should also provide a similar type service. I don't think those passengers traveling to Area 1 should be required to pay a larger fare on AB&W, by riding AB&W buses, and D. C. Transit buses.

Q: Mr. Bell has stated that D. C. Transit would lose all of its interline revenue from AB&W and WMA, were these proposals to be initiated.

In your opinion, is this probable or even possible? A. No, of course, not.

In the first place, even if all the Area 3 buses were to be routed to Area 1, the interline arrangement would not be terminated because many tickets sold to AB&W riders are used to go all over the District of Columbia, not just to Area 1. Just look at the travel between the Pentagon and the District of Columbia. In the a.m. hours, hundreds of people, from the District of Columbia, go via an interline, destined to the Pentagon. A survey made on Tuesday, December 18, 1962, by AB&W at my request, indicated that 1,200 -- 1,212 passengers departed from WMA buses from the Pentagon, [655] on trips to Washington, D.C., between 6:30 and 9:00 a.m.

Very few of these people originate in Area 1, which is basically a business district, and not a residential area. There is no reason to believe that the travel patterns of these people would be disturbed by the additional routing. In the evening rush hour, a counter flow of these people occurs, that is, they ride AB&W from the Pentagon to the District of Columbia via an interline ticket, and continue to their District of Columbia destination on D. C. Transit buses. The extension program will have very little effect on their travel arrangements. In as much as I am certain adequate service will remain to the 12th and Pennsylvania Avenue territory, no disturbance or inconvenience will occur to these passengers.

As I contemplate that existing service to the 12th and Pennsylvania Avenue territory will remain relatively unaffected, I can foresee no reason for any disturbance of interline arrangements. Indeed, the operation should affect only those destined to the 18th and "L" area. There will be no other change. It is my opinion that the revenue loss indicated by Mr. Bell, on Transcript Pages 301 and 302, is grossly overstated and without foundation. I do not believe that the Virginia passengers should be required to pay more money to D. C. Transit in order to fill the seats of buses operating in a counter-flow direction.

[656] Passengers now being transported to Area No. 2 are not required to use D. C. Transit buses when coming from Virginia, but are transported to this area by AB&W; when there is a substantial number of passengers seeking improved service I feel it should be rendered.

D. C. Transit has made much of its franchise and exaggerated loss of revenue.

Q. Let me ask you this, Mr. Overhouse. You have indicated that the effect on D. C. Transit's interline revenue will not be as serious as Mr. Bell estimates. But if it were, what would be your recommendation? A. Even if the effect were as great as Mr. Bell testified, and I do not think it will be, I would still recommend that AB&W and WMA extend their services to Area No. 1 to provide adequate service to their respective patrons. The interline arrangements between D.C. Transit and these companies would still provide revenue to D. C. Transit from passengers originated or destined for points outside Area 1.

For example, I have already indicated that few of the 1,200 Pentagon passengers of the 1962 survey will be affected by AB&W providing direct service to Area No. 1.

Q. Mr. Overhouse, is it your expert opinion that most of the AB & W interline ticket purchases at the Pentagon have Zone 1 as their ultimate destination? A. No. Obviously the Pentagon is a place of



employment. [657] Those people leaving there are naturally in most cases destined to their place of residence. In my opinion, a very small number of them would live in Zone 1. Most of those people would live in Zone 5 or beyond. Thus, I believe that Mr. Bell's estimate of revenue loss is, at least to that extent, over-estimated.

However, every person that D. C. Transit shows who is destined to Zone 1, over and beyond the survey figure, just adds to the need for providing direct no-transfer service to that area by AB&W and WMA, which really proves my contention that there is a substantial number of people who need direct no-transfer service.

Q. Is it your opinion that in recent years an increasingly larger number of people living in Virginia and in Maryland, are destined to Zone 1? A. Yes, it is. A great increase in the number of people working in Zone 1 has been testified to by witnesses Hanson and Heath. The number has now become so great, in my opinion as to warrant extension of service to that area.

Q. Have you had an opportunity to listen to and review Mr. Bell's concluding statement in this record on pages 336 and 337 of the transcript? A. Yes, sir, I have reviewed them, and I don't agree with them.

On pages 336 and 337 of the transcript, Mr. Bell [658] stated: "D.C. Transit presently has all authority necessary to provide the intra-District service covered in this investigation. D. C. Transit has on file with this Commission agreements with AB&W, WMA and WV&M to jointly render the transportation involved in this investigation. Moving the terminals as proposed is in effect cancelling much of the purpose of such joint attempts. D.C. Transit holds itself out, along with all the other bus companies, to render any and all joint service required by present and future public convenience and necessity. We, at D.C. Transit, are prepared, and have offered to this Commission to work out arrangements with whatever carriers may be involved, to provide the service which is the subject of this proceeding. The proposed ex-



tensions are not in the best interests of D.C. Transit riders or operations. Route extensions will further congest an already congested area."

In summing up my rebuttal testimony, I wish to state that although D. C. Transit has authority to provide intra-District of Columbia service, it does not have authority to provide the interstate service covered by this investigation. My proposal is to carry the passengers in one vehicle from the areas in Virginia served by AB&W, and the areas in Maryland and the District of Columbia served by WMA, to an area in the vicinity of 18th and "L" Streets, Washington, D.C. The Washington Metropolitan Area Transit Regulation [659] Compact states that it shall be the duty of every carrier to furnish transportation as authorized by its certificate. The service I propose is authorized by certificates issued by this Commission to AB&W and WMA. The copies of such certificates have been received in evidence as Exhibits No. 2 and No. 3, respectively.

I have not proposed that the terminals be moved as Mr. Bell indicates on line 1 of the transcript page 337. Quite the contrary, it is my recommendation that the present terminal remain.

I do recommend, however, that a terminal be established in the 18th and "L" Streets area to accommodate the 25.9 percent of AB&W passengers that Mr. Bell mentioned on transcript page 287, and the 29.8 percent WMA passengers that Mr. Bell mentioned on page 290.

I do not agree with Mr. Bell's last statement on page 337, that route extensions will further congest an already congested area.

Every 1.8 passengers attracted to the buses from the automobiles will eliminate one automobile. Thus, it is possible that instead of causing congestion, the extension may actually reduce vehicular congestion.

\* \* \*

[660]

## CROSS EXAMINATION

BY MR. KAHN:

Q. Mr. Overhouse, I will try and make my questions concise, but you covered a considerable amount of area with respect to AB&W.

Do I conclude that after you had an opportunity to review the overlay map Exhibit 81, you came to a conclusion and made a recommendation that AB&W operate three buses during the a.m. rush hour; one vehicle on Route 7, one on Route 14, and one on Route 16? A. Yes. I propose that is the amount of service that should be operated at the beginning of this.

Q. In making your computations, I think you used the capacity of 50 persons per vehicle? A. Yes.

Q. Is there any question in your mind, going back to your own initial statement in this case, that the postcard survey that you conducted indicated that there were 1,110 people interested in going to 18th and "L"? A. Yes, that is correct.

Q. Well, what did you, as an engineer, or how did you as an engineer think that 960 people, who told you as a result of your survey that they wanted to go into a particular area, and you are not proposing any service for them? A. Not at the beginning. I wish to start out --

[661] Q. Why not? A. Not there at the beginning. I wish to start out with a slow beginning. So we start with one bus on these particular routes, and then add as the demand requires.

Q. I am asking you now, then, do you question the existence of the demand of 1,110? A. No, I don't question it.

Q. Why should any portion of the 1,110 be deferred in handling -- in providing that transportation which you feel so keenly is needed in this area? A. I was able to pick out a concentration of people during the three-hour period that I knew from my experience would fill those three buses. There isn't any doubt in my mind other services are required, but I am not in position to recommend what these other serv-

ices are, at this time. I can recommend that these three buses be operated.

Q. Yes, but none of the information that was developed so ably by D. C. Transit or the survey indicates the time in which any of these people moved. A. Yes, but I do know --

Q. Is that true? A. I do know what time these people moved.

Q. You say you know? A. Yes.

Q. All right.

[662] If I took any grid on Exhibit 81, just for the purposes of the record, and were to ask you when those people who indicated a desire to go to Area 1 intended to go into that area, could you give me the answer? A. I can tell you when the majority of people of AB&W wish to move, during the commuter period, during the three-hour period that the survey was made.

Q. Is this information that you developed subsequent to your testimony on direct? A. No. This information was developed at the time that we made our bridge counts in May of this year.

Q. That information was not introduced during your direct testimony? A. No, sir.

Q. Did you think it was material or relevant? A. At that time I didn't know where these passengers originated, but as a result of the D.C. Transit testimony I was able to determine where these passengers originated, and then as a result of our bridge survey I was able to tell when the majority of your passengers wish to travel.

Q. Well, when you say D. C. Transit did something, D. C. Transit used your material, didn't they? A. That is correct.

Q. You could have developed the same facts as they did, isn't that true? [663] A. No, I didn't have the manpower to do it; I didn't have the time to determine where these passengers -- where they originated.

Q. You are here in rebuttal. Aren't you aware, Mr. Overhouse, that this proposal by the staff has concerned at least AB&W and D.C. Transit, and WV&M, in connection with what they consider to be their

obligations to serve the public? Each of the companies who are participating in this case, either voluntarily or because they have been named as respondents, do, day in and day out, serve the public in the Washington metropolitan district, do they not? A. Yes.

Q. Now, do you think the staff ought to undertake to make a recommendation that has caused all the concern and consternation today, when it admittedly had evidence in its possession, but states now that it didn't have sufficient manpower to examine the evidence to determine the validity of its recommendation? A. Yes, I do.

Q. I see. All right.

Now, I don't want to be repetitious, but as I understand it, as the engineer for this Commission, you are of the firm opinion that at least 1,110 people, from your own personal survey, desire transportation into this area? A. Yes.

[664] Q. However, your only recommendation to this Commission is for service to accommodate 150 of those 1,110? A. At the beginning, yes.

Q. What do you mean "at the beginning," do you mean the next day you are going to ask us to put on three more buses? A. It is my hope the Commission will find public convenience and necessity will require extension of service, and that they order AB&W to operate the three trips that I have recommended.

Q. Yes. Well, then, who will determine whether AB&W ought to add additional trips to take care of the 960 passengers that you are not making any recommendation to accommodate? A. I think the public demand will determine that at a later time.

Q. Well, isn't this a public demand, this 1,110, in your opinion? A. Absolutely.

Q. Now, I gathered that you stated that these buses ought to be scheduled to pass over 14th Street Bridge at 8:30 a.m., was that right? A. Yes.

Q. Well, why did you conclude that? A. Because that is when the majority of your passengers move during that three hours.

\* \* \*

[669] Q. The only way this annual cost could remain constant [670] would be that AB&W would only operate three buses for an entire year; isn't that true? A. Yes.

Q. That isn't consistent with your concept here, is it? A. I have given the cost for these three buses.

Q. Yes, but you also told us that you recognize that there are 1,110 people who in your opinion require service. A. Yes.

Q. Initially you weren't going to provide service for them? A. Right.

Q. That didn't mean to wait for a whole year, did it? A. I hope not.

Q. You intend for AB&W to run additional service some time, don't you? A. I hope so, according to public demand. I hope you fill that requirement.

Q. Who is going to make this determination of public demand, sir; the engineering department of this Commission? A. I think the public will make that determination.

Q. Let's be a little more realistic if we can. Who do you mean in the public is going to make this determination; who, precisely? A. I mean I think there will be such a demand for this service that we will get many many letters requesting [671] that more service be provided.

Q. You think, and then you would essentially be the person, or this Commission would be the person who would direct AB&W to increase the service? A. I am sure we would work it out informally with AB & W.

Q. Well, let's suppose that you wouldn't work it out informally. Would you reserve the right to tell AB&W how many additional trips to operate? A. Mr. Kahn, I can't tell AB&W how many trips to operate, if that is what you are saying. I don't have that power.



Q. Didn't you just recommend to this Commission tonight on rebuttal, after hearing all the testimony, in your opinion, as Chief Engineer, you thought three vehicles in the a.m. would answer the need that you feel exists in this area? A. I think at least three of those buses should be operated, yes.

Q. And that if you were moved by the volume of anticipated mail, or by the din of the telephone calls that would come into this Commission, demanding more service, then you would make additional recommendations, isn't that true? A. I would discuss it with the company, and see if they would throw in more service, yes.

[673] Q. Is it your contention here tonight to omit the other areas because the people unfortunately live in a grid area that isn't going to, on these routes, get down to Area No. 1? A. Sure, they can get to Area No. 1. They can transfer to D. C. Transit buses and get to Area 1.

Q. I see. Your concept is, if people are living in an area that one of these routes would not serve, they ought to continue to ride into the District and transfer to D. C. Transit buses? A. They could do one of two things: They can transfer to a D. C. Transit bus, or transfer to an AB&W bus.

Q. Where? A. Any place they find it convenient in Virginia, and transfer to D. C. Transit in the District of Columbia.

Q. How did you conclude a figure of 33 and 1/3 cents per passenger was a fair fare? A. Well, I took the lowest fare in Zone 2, and the lowest fare in Zone 3, which is the areas in which the preponderance, or most of these passengers originate, and took the average of those two fares. Zone 2 and Zone 3 fares, and averaged them.

Q. Then your proposal was only based on a proposition that this route serve people who were fortunate enough to [674] live in zones 2 and 3? A. That is where they live, yes.

MR. SPEAR: For the record, you mean Zones 2 and 3 of AB&W?

MR. KAHN: Yes.

BY MR. KAHN:

Q. You can't say that after looking at the map, isn't that true? A. I certainly can say that.

Q. You say all of the people who responded to your survey, and are reflected by the overlay map 81, live in zones 2 and 3 of AB&W transit? A. Oh, no; that the people who will ride these buses live in the areas of Zone 2 and Zone 3, of AB&W. That is where I got the average fare for those passengers.

Q. I see. Your initial recommendation is AB&W should only offer service to people who are fortunate enough to live in zones 2 and 3?

A. That is my recommendation, yes.

Q. How do you discriminate against the public that way? A. I am not discriminating. I say that is what you should start with.

Q. When do you expect to add your original recommendation? A. According to public demand.

\* \* \*

[679] Q. Mr. Overhouse, did you inquire from AB&W whether or not they had sufficient equipment to add these three trips per day you *have* discussed? A. I didn't inquire whether they had that.

Q. If they were required to buy additional buses, that would be an additional cost, isn't that true? A. I'm not sure of that, no.

Q. You are not sure if a person has to buy a bus he wouldn't incur an additional cost? A. Yes, if they had to buy three more buses, there would be the depreciation costs in there.

Q. There would be the capital outlay too, wouldn't there? Isn't that true? A. Yes.

Q. Do you know that hours of employment are controlled by contracts with representatives of the employees? A. Yes.

Q. Do you know whether or not employees are guaranteed a minimum weekly wage? A. Yes.

Q. Is it possible in your computation that men might have to be employed for a limited number of hours but nevertheless [680] guar-

anteed a full week of employment? A. It is possible, but it is also possible, Mr. Kahn, that a bus -- in fact, a couple of these schedules that I have recommended at the present time operate over 12th Street Expressway, and it is quite possible these buses could be extended right on down to Zone 1, and still accommodate all the passengers that are now being accommodated in Zone 3 and also in Zone 1.

Q. Well, I asked you initially whether this was an additional service, and you said yes. A. I would like to see the record where I said yes, this is an additional service.

Q. Well, then, is this a rerouting of existing service? A. It is not a rerouting, no.

Q. Is it the assignment of an existing bus that is being operated by AB&W from some present destination in the District of Columbia to the 18th and L area? A. I said it could very well be. I said I haven't made that determination.

Q. Let's assume both ways. If it were an additional bus you would have the cost of the equipment possibly, and the labor cost involved; isn't that true, that you haven't computed? A. Yes.

\* \* \*

[688]Q. How much additional cost do you feel the company will incur under your plan with no offsetting revenue? A. I haven't computed it.

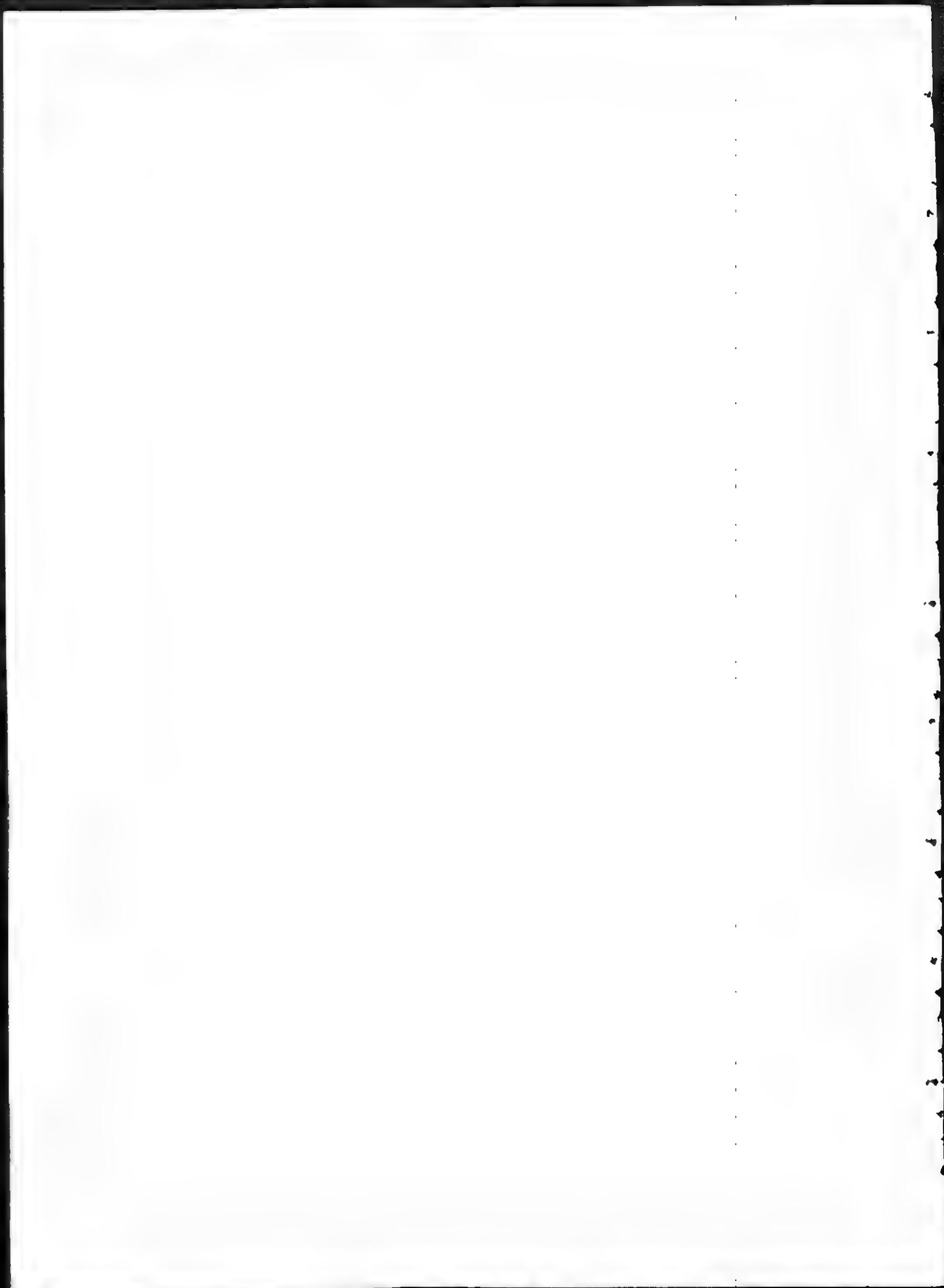
Q. You haven't computed it? A. No.

Q. You haven't computed it because you were not interested in it? A. No, I just computed what it would cost to operate these particular three schedules, and the amount of revenue you would receive if you operated those three particular schedules.

Q. Let me understand your recommendation to this Commission in its simplest form. And to summarize, and this is the last question, you have conducted a survey in which you have reached the conclusion that there are 1110 people who want to move into the 18th and L Street area. You have concluded that initially the company ought to be re-

quired to provide 150 seats or standee room for 1,110 people in the same period, that the fare structure should be the same, that there should be no additional revenue to the company. But there will be a known increase in operating expenses but you haven't determined how much it is going to be? A. Correct.

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16  
Brief for Petitioner

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 20,188

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D. C. TRANSIT SYSTEM, INC.,  
Petitioner,

v.

WASHINGTON METROPOLITAN AREA  
TRANSIT COMMISSION,  
Respondent,

W. M. A. TRANSIT COMPANY,  
Intervenor.

P 33  

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PETITION TO REVIEW ORDERS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  

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United States Court of Appeals  
for the District of Columbia Circuit

FILED AUG 2 1966

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QUESTIONS PRESENTED

- I. Did the Commission err in holding that the existing certificates of public convenience and necessity of ABW and WMA authorize them to serve the Route Extensions which they were ordered to serve by the Commission?
- II. Did the Commission err in ordering ABW and WMA to serve the Route Extensions by means of "route authorizations" without compliance with Section 4(e) of the Compact?
- III. Did the Commission err in ordering ABW and WMA to serve the Route Extensions without compliance with Transit's Franchise?
- IV. Did the Commission err in receiving in evidence and relying upon the origin-destination survey of patrons of ABW and WMA conducted by the Commission's Staff?
- V. Did the Commission err in issuing orders requiring ABW and WMA to serve the Route Extensions in the absence of substantial evidence in the record to support such orders?
- VI. Did the Commission violate Transit's constitutional rights to substantive and procedural due process in issuing orders requiring ABW and WMA to serve the Route Extensions without complying with the Compact and with Transit's Franchise, without holding a full and fair hearing, and in the absence of substantial evidence in support thereof?

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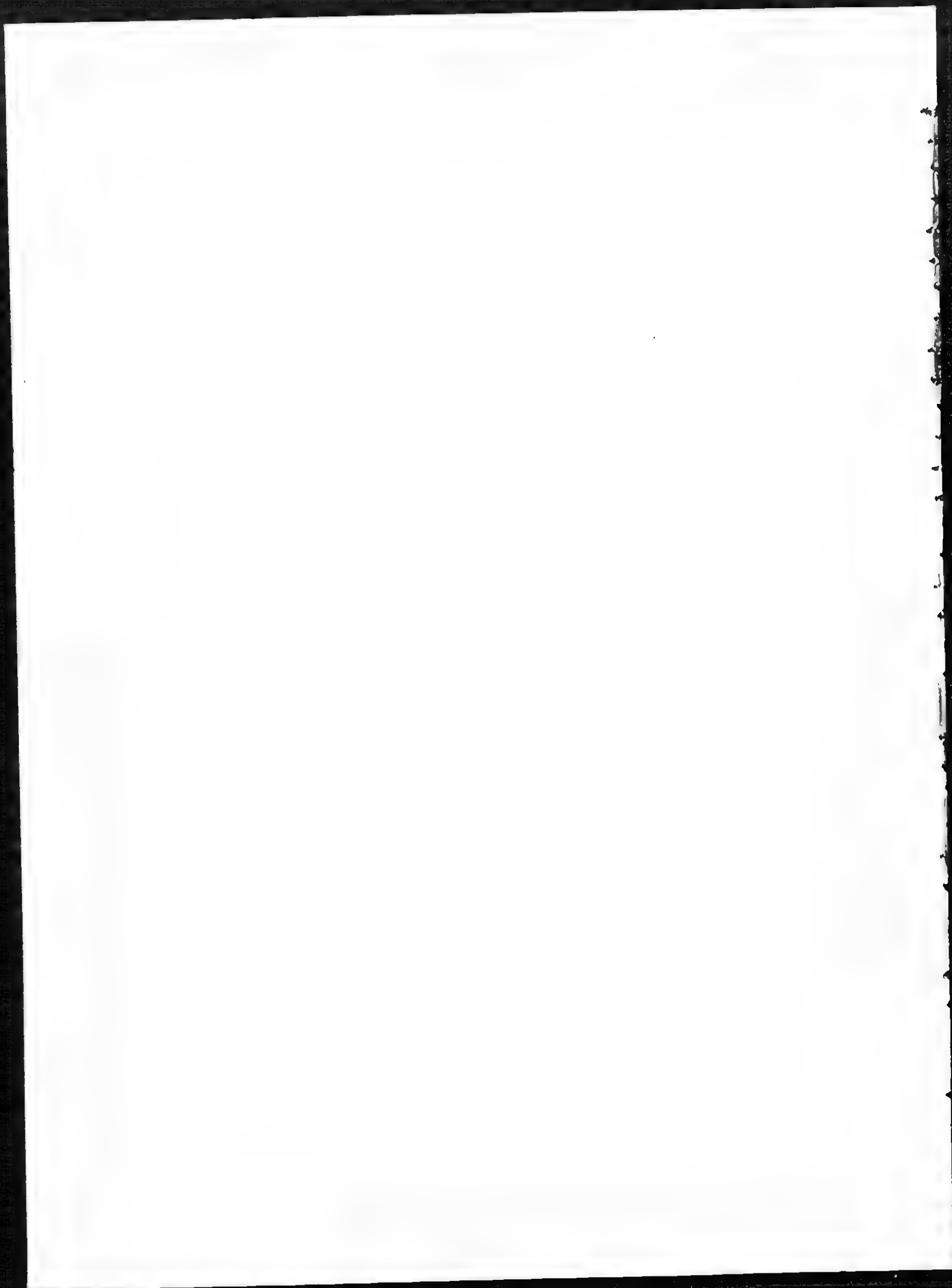
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PETITION TO REVIEW ORDERS  
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WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

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BRIEF FOR PETITIONER

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## JURISDICTIONAL STATEMENT

This is a petition by D. C. Transit System, Inc. ("Transit") to review Orders Nos. 581 and 603 of the Washington Metropolitan Area Transit Commission ("Commission"). Order No. 581 authorized and directed by means of "route authorizations" the extension of certain routes of Alexandria, Barcroft and Washington Transit Company, Inc. ("ABW") and WMA Transit Company ("WMA") into areas already being served by, and over routes already being operated by Transit. Order No. 603 denied the application for reconsideration of Order No. 581, filed by Transit pursuant to Title II, Article XII, Section 16 of the Washington Metropolitan Area Transit Regulation Compact, Public Law 86-794, 74 Stat. 1031 (1960) ("Compact").\*

Transit, on May 18, 1966, filed a petition for review of Orders Nos. 581 and 603 with this Court in accordance with the provisions of Section 17(a) of the Compact and the Commission on June 14, 1966, certified and filed with this Court an index of the record upon which such Orders were entered. This Court granted the motion of WMA to intervene in this proceeding in a per curiam order dated May 21, 1966.\*\* This Court has jurisdiction over the petition for review pursuant to said Section 17(a).

## STATEMENT OF THE CASE

At the oral suggestion of its chief engineer (Tr. 40) the Commission, on May 25, 1965, ordered a hearing upon the "propriety and reasonableness" of the proposed extension of

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\* Unless otherwise indicated, all citations to the Compact shall be to Title II, Article XII of the Compact.

\*\* The order also denied Transit's motion for a stay pending appeal. However, the order noted that, "Circuit Judge Fahy would grant the stay temporarily pending an opportunity for the court more fully to consider the validity of the action of the Commission."



certain routes of ABW and WMA into areas already being served by, and over routes already being operated by, Transit (Order No. 482). As authority for its Order, the Commission cited Section 4(e) of the Compact. The proposed extensions run from the terminus of ABW at the intersection of 12th Street and Pennsylvania Avenue, N.W., and the terminus of WMA at 11th Street near Pennsylvania Avenue, N.W., to the vicinity of 18th and L Streets, N.W. ("Route Extensions").\*

Before the Commission, Transit opposed the extension of the ABW and WMA routes, asserting that: (1) under their respective certificates of public convenience and necessity issued by the Commission\*\* ABW and WMA did not have authority to operate over such extensions to their respective routes; (2) such extensions could not be ordered without making the findings of public convenience and necessity required by Section 4(e) and without complying with the other provisions of that Section; (3) because the Route Extensions were shown by the evidence in the record to be competitive with service already being rendered by Transit (Tr. 121-22, 299-304, 320-21; Ex. 33), they could not be ordered without a finding of public convenience and necessity pursuant to Transit's Congressional Franchise (Public Law 84-757, 70 Stat. 598 (1956) ("Franchise")); (4) the record demonstrated that the primary basis for the recommendations of the staff of the Commission ("Staff"), an origin-destination survey of patrons of ABW and WMA conducted by the Staff, and the report based thereon,

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\* The termini of ABW and WMA had not been changed since July 24, 1956, the effective date of Transit's Franchise.

\*\* The certificates were issued pursuant to the provision of Section 4(a) of the Compact. Hereinafter, this provision and analogous provisions of other statutes shall be referred to as "grandfather clauses" and the certificates issued pursuant thereto as "grandfather certificates".

established neither a demand or a need for the extensions and was, moreover, for other reasons, inadmissible as evidence in the proceeding (Tr. 49-51, 55, 114, 134-35, 217-19, 227-29, 235-36, 284, 351-52, 354-55, 372-73; Ex. 1); and (5) the evidence indicated that the public interest would not be served by the proposals (Tr. 24, 28-32, 67-8, 71-2, 80, 93, 98-100, 102-04, 114, 134-35, 145-47, 151-56, 164-69, 177, 180-82, 184-86, 193-95, 198, 201-02, 210, 226-27, 284, 286-87, 290, 303-04, 323-27, 338-39, 354-55, 372-73, 577-78, 595-605, 612, 634, 651, 660-64, 670-71, 673-74, 688; Exs. 9, 60, 116, 118).

By Order No. 581 served March 25, 1966, the Commission upheld the essential contention of the Staff that the existing certificates of public convenience and necessity held by ABW and WMA authorized the proposed extensions of service. Accordingly, the Commission made none of the findings required by Section 4(e) of the Compact and by Section 3 of the Franchise as a condition precedent to ordering service over the routes of or service competitive with Transit. Relying primarily upon the origin-destination survey of patrons of ABW and WMA, the Commission found that the public interest would be served by such extension (Order No. 581, pp. 8-11, 13).

Order No. 581 directed regular route service by ABW and WMA over the Route Extensions by "route authorizations" issued as part of and as attached to Order No. 581, and thereafter amended and supplemented.

#### STATUTES INVOLVED

This appeal involves, in part, the construction of Section 4(a), 4(d)(1) and 4(e), of the Compact and Section 3 of the Franchise. The relevant parts of the Compact and Franchise

are set forth in Appendix A, infra.

#### STATEMENT OF POINTS

1. The Commission erred in holding that the existing certificates of public convenience and necessity of ABW and WMA authorize such carriers to render service over the Route Extensions.

2. The Commission erred in failing to find that the certificates of public convenience and necessity issued by it to ABW and WMA contain all such restrictions on their respective rights to serve the District of Columbia ("District") as were included in and applicable to the predecessor certificates of public convenience and necessity issued to such carriers by the Interstate Commerce Commission ("ICC") by virtue of their specific terms and of orders issued by the Public Utilities Commission of the District of Columbia ("PUC").

3. The Commission erred in failing to find the certificates of public convenience and necessity issued by it to ABW and WMA invalid for failing to comply with Section 4(d) of the Compact to the extent that such certificates fail to specify the service to be rendered and the routes over which, and the fixed termini, if any, between which each such carrier is authorized to operate within the District.

4. The Commission erred in ordering ABW and WMA to serve the Route Extensions by means of "route authorizations" without amending their respective certificates of public convenience and necessity or issuing new certificates of public convenience and necessity, without a hearing on and findings of public convenience and necessity and without complying with all of the provisions of Section 4(e) of the Compact.

5. The Commission erred in finding that the service to be furnished by ABW and WMA over the Route Extensions is not competitive with the service being rendered by Transit.

6. The Commission erred in ordering service over the Route Extensions without a hearing on and findings of public convenience and necessity as required by Section 3 of the Franchise.

7. The Commission erred in admitting into evidence and relying upon an origin-destination survey of patrons of ABW and WMA conducted by the Staff of the Commission in the morning of March 22, 1965.

8. The Commission erred in adopting Orders Nos. 581 and 603 ordering ABW and WMA to serve the Route Extensions because such Orders are not supported by substantial evidence in the record.

9. The procedures followed by the Commission in adopting Orders Nos. 581 and 603 deprive Transit of its constitutional rights to procedural due process by

- (a) ordering ABW and WMA to serve the Route Extensions without complying with the procedures prescribed in the Compact;
- (b) ordering ABW and WMA to serve the Route Extensions without complying with the procedures prescribed in the Franchise;
- (c) ordering ABW and WMA to serve the Route Extensions without holding a full and fair hearing; and
- (d) adopting such Orders in the absence of substantial evidence in support thereof.

10. The issuance by the Commission of Orders Nos. 581 and 603 deprives Transit of its constitutional rights to

substantive due process in depriving Transit of its rights by

- (a) ordering ABW and WMA to furnish service over the Route Extensions without complying with the Compact; and
- (b) ordering ABW and WMA to furnish service over the Route Extensions without complying with the Franchise.

#### SUMMARY OF ARGUMENT

Transit will show that, in ordering ABW and WMA to serve the Route Extensions, the Commission reached conclusions which are erroneous as a matter of law and made findings of fact which were unsupported by substantial evidence.

Neither ABW nor WMA has the authority to serve the Route Extensions

The Commission erred in finding that ABW and WMA have the authority under their "grandfather certificates" to serve the Route Extensions.

Prior to the effective date of the Compact, neither ABW nor WMA served the Route Extensions or possessed authority to render such service. The respective ICC certificates of public convenience and necessity of ABW and WMA did not designate specific routes and termini to be served in the District and, accordingly, ABW and WMA could operate only over the routes and to the termini prescribed by the PUC. The PUC, in turn, had not issued any orders authorizing service over the Route Extensions.

In their application for "grandfather certificates", ABW and WMA requested authority only to continue the operations which were actually conducted on the effective date of the Compact and the order of the Commission issuing the certificates specifically limited them to such operations. Since neither ABW nor WMA then served the Route Extensions, the "grandfather



certificates" did not authorize such service. Moreover, the specific terms of Section 4(a) of the Compact pursuant to which the "grandfather certificates" were issued and the public policy inherent therein authorize only the continuation of services actually rendered on the effective date of the Compact.

In any event, the interpretation by the Commission of the "grandfather certificates" to authorize ABW and WMA to serve the Route Extensions is in error because such interpretation would render the certificates invalid for failing to comply with the provision of Section 4(d) of the Compact which requires that certificates of public convenience and necessity issued for regular route operations designate the specific routes and termini to be served.

The Commission failed to comply with  
the provisions of the Compact and of  
the Franchise in ordering ABW and WMA  
to serve the Route Extensions

The Commission failed to comply with Sections 4(a) and 4(d) of the Compact which require that regular route operations be rendered only pursuant to certificates of public convenience and necessity which specify routes and termini. Service by ABW and WMA over the Route Extensions operates over the already existing routes of and is competitive with Transit within the meaning of Section 4(e) of the Compact and Section 3 of the Franchise, respectively. Consequently, the Commission is required to comply with the applicable provisions of those Sections and to make the findings specified therein before it can order ABW and WMA to serve the Route Extensions. The Commission failed to comply with these requirements.

The Commission justifies its failure to comply with

the Compact and the Franchise on the theory that the "grandfather certificates" of ABW and WMA authorize them to serve the Route Extensions. This theory is erroneous as a matter of law and failure to comply with the Compact and the Franchise renders Order No. 581 void and the "route authorizations" issued pursuant thereto invalid.

The origin-destination survey of patrons of ABW and WMA is inadmissible

The Commission erred in admitting into evidence and relying upon the origin-destination survey of patrons of ABW and WMA conducted by the Staff and the report based thereon. The procedures followed in the preparation and conduct of the survey rendered it scientifically unreliable and in violation of the standards established for excepting surveys from the hearsay rule.

The survey and the report based thereon constitute the primary basis upon which the Commission found that service by ABW and WMA over the Route Extensions is in the public interest. Since neither should have been admitted into evidence or relied upon, that finding may not be sustained.

The Route Extensions are not in the public interest

The Commission erred in finding that the question of whether the Route Extensions are in the public interest is to be determined primarily by an inquiry into the demand for the service. Equation of the demand for the service with the public interest is an unreasonable exercise of the regulatory function since it ignores all other factors which a reasonable exercise of judgment would deem material to a viable transportation system.

The Commission further erred in finding that service by ABW and WMA over the Route Extensions is in fact in the public

interest. There is no substantial evidence to establish the existence of any significant demand for such service.

The finding of public interest is also based upon the Commission's view that a substantial number of patrons of ABW and WMA would be provided with through service from their point of origin to their destination. The evidence in the record does not support this finding. The evidence in the record clearly shows that only a small proportion of the patrons of ABW and WMA would be provided with through service and that the substantial majority of the public at large would be inconvenienced by the Route Extensions. The evidence further indicates that through service, in and of itself, is not synonymous with public interest as the Commission seems to imply. There is no evidence in the record showing that there is a significant need or demand for the Route Extensions, that improved service to the public would result therefrom or that there would be no adverse economic effect on the carriers involved.

Consequently, the Commission's finding that it would be in the public interest for ABW and WMA to serve the Route Extensions is not based on substantial evidence.

Transit has been deprived of its  
constitutional rights to substan-  
tive and procedural due process

The Commission erred in failing to comply with the provisions of the Compact and of the Franchise which protect Transit from the establishment of competitive service over its routes by establishing certain requirements which must be fulfilled and procedures which must be followed before Transit's prior exclusive rights can be impaired. Such failure deprives Transit of its constitutional rights to substantive due process in the

protection of its rights. The failure to hold a full and fair hearing and the failure to make the necessary findings have deprived Transit of its constitutional rights to procedural due process.

#### ARGUMENT

##### I

#### THE COMMISSION ERRED IN HOLDING THAT THE EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF ABW AND WMA AUTHORIZE THEM TO SERVE THE ROUTE EXTENSIONS

The Commission concluded in Order No. 581, p. 8, that ABW and WMA are authorized under their respective "grandfather certificates" to render service over the Route Extensions. There is no basis for such a conclusion nor does the Commission establish one. The Commission does state that the ICC certificates of ABW and WMA did not include any limitations on the rights of these carriers to serve any point in the District in interstate transportation. Order No. 581, p. 5. The Commission ignores the fact, however, that ABW and WMA did not serve nor did they have the right to serve the Route Extensions prior to the effective date of the Compact. Furthermore, the conclusion of the Commission contravenes both the language and the purpose of the "grandfather clause" of the Compact, pursuant to which such certificates were issued to ABW and WMA.

Moreover, the Commission cannot now hold that the "grandfather certificates" authorize ABW and WMA to serve the Route Extensions, a service not rendered by such carriers on the effective date of the Compact, when the applications of ABW and WMA for the "grandfather certificates" sought authority only for continuance of those operations actually conducted on the effective date of the Compact and the Order granting the applications

specifically restricted the operations of these carriers to those conducted on that date. In any event, the interpretation of the "grandfather certificates" by the Commission to permit service by ABW and WMA over the Route Extensions must be rejected since such interpretation would invalidate such certificates for failure to comply with Section 4(d) of the Compact.

A. ABW and WMA could not serve the Route Extensions under the authority derived from their ICC certificates

The pre-Compact operations of ABW and WMA were pursuant to ICC certificates authorizing service to Washington, D.C. (Exs. 83, 84) and PUC orders specifying routes within the District to be served (Exs. 86, 87, 101, 102, 104, 105). At the time the "grandfather certificates" were issued, there were no PUC orders permitting ABW or WMA to serve the Route Extensions.

The ICC certificates brought the carriers into the District without specifying routes or termini and, once the carriers were in the District, they became subject to the PUC which assumed jurisdiction and designated the points to be served and the routes to be followed.\* The PUC orders did not grant any authority to

\*See Hudson Bus Transp. Co., Inc., Passenger Service, 5 Fed. Car. Cas. 31,197 (1946); A. B. & W. Transit Co., Extension of Operations - Washington National Airport, 30 M.C.C. 618 (1941). The statement by the Commission in Order No. 581, p. 5, that "apparently the PUC recognized that . . . [ABW and WMA] had the necessary certificate operating rights [to serve any area in the District], as there is no mention [in the PUC orders] of certificates of public convenience and necessity - the only criterion being the 'public interest'", is misleading. Under the then applicable law, Section 4 of the Merger Act, (Section 44-201, D.C. Code 1951), public convenience and necessity had to be found by the PUC only in the event that a new route was competitive with routes of an existing carrier. The only routes of ABW and WMA established by PUC orders which could be deemed competitive with routes of Transit or its predecessor (Tr. 463) are the routes of WMA established by PUC orders Nos. 3682 and 4158, dated June 14, 1950 and January 28, 1955, respectively (Ex. 87). In both of these orders the PUC held that, if the new routes were competitive with routes of Transit's predecessor, public convenience and necessity had to be found and were in fact present.



serve the District on an area-wide basis or on any streets as to which no orders had been issued. Under the then applicable law, Section 4 of the Merger Act (Section 44-201, D.C. Code 1951), a carrier possessed a "legally protectible" right to serve the routes which the PUC designated that it might serve since under that provision, no competitive bus line running over a given route on a fixed schedule was to be established without the prior issuance by the PUC of a certificate to the effect that the competitive line was necessary for the convenience of the public. Capital Transit Co. v. Safeway Trails, Inc., 201 F.2d 708, 709 (D.C. Cir. 1953).

Accordingly, neither ABW nor WMA could serve the Route Extensions under the authority derived from their ICC certificates of public convenience and necessity. Such certificates cannot be held to be the basis for the alleged authority to serve the Route Extensions pursuant to the "grandfather certificates".

B. The "grandfather certificates" issued by the Commission do not authorize ABW and WMA to serve the Route Extensions

Even if the ICC certificates of ABW and WMA were deemed to have authorized them to serve the Route Extensions, the "grandfather certificates" issued by the Commission do not authorize such service.

1. The "grandfather certificates" issued to ABW and WMA incorporate by reference both their respective ICC authorities and the PUC restrictions thereon

The Compact effected a "centralization of regulatory authority in a single agency" which "would succeed to the jurisdiction over transit in the metropolitan district presently exercised by the . . . [existing regulatory] commissions." S. Rep.

No. 1906, 86 Cong., 2d Sess. 7 (1960); H. Rep. No. 1621, 86th Cong., 2d Sess. 7 (1960). Thus, the Commission succeeded not only to the authority of the ICC within the Washington Metropolitan Area Transit District, ("Metropolitan District"), but also to that of the regulatory agencies of the three component jurisdictions, including the PUC. The Commission itself so states in Order No. 581:

"In the case of WMA, it had, before the creation of the Commission, operated within Prince Georges County, Maryland, under authority granted to it by the Maryland Public Service Commission; within the District of Columbia, by virtue of the authority granted by the District of Columbia Public Utilities Commission ('PUC'); and in interstate commerce between points in Maryland and points in the District of Columbia, under certificates of public convenience and necessity granted by the Interstate Commerce Commission ('ICC') . . . . All of these pre-compact authorities, plus exempt operations, formed the basis for the WMA 'grandfather' claim, and the resulting certificate issued by this Commission combined all of them into one document." Order No. 581, pp. 3-4 (emphasis added).

Similarly, as to ABW, the Order asserts that "The 'grandfather' certificate issued by the Commission encompassed all of A. B. & W.'s prior authority." Order No. 581, p. 4.

In view of the incorporation of the authority of the prior regulatory agencies into that of the Commission, the statement of the Commission in Order No. 581, p. 6, that it followed the procedure of the ICC in not designating specific streets within a metropolitan area is immaterial. The ICC could rely on the local regulatory agency to designate specific streets within a metropolitan area whereas the Commission, having succeeded to the jurisdiction of both the ICC and the local regulatory agency, (i.e., the PUC), cannot do so.

The Commission cannot take the inconsistent position of combining all pre-Compact authorities, including the authority

of the PUC over intra-District operations, into the "grandfather certificates", and then disregarding the fact that the PUC had not authorized service over the Route Extensions or to the area served thereby. Such inconsistency is arbitrary and capricious and the conclusion of the Commission that the "grandfather certificates" authorize ABW and WMA to serve the Route Extensions is without basis.

2. The language and policy of the "grandfather clause" in Section 4(a) of the Compact restrict the authority granted by the "grandfather certificates" to ABW and WMA to operations actually engaged in on the effective date of the Compact

Whatever pre-Compact authority ABW and WMA may have had, neither of these carriers provided service over the Route Extensions or to the area served thereby. Section 4(a) of the Compact specifically limits the authority granted to ABW and WMA by the "grandfather certificates" to the operations "bona fide engaged" in on the effective date of the Compact.

The "grandfather clause" of Section 4(a) of the Compact is typical of such clauses in statutes providing for the issuance of certificates of public convenience and necessity to carriers. These "grandfather clauses", which have been extensively construed and interpreted by the courts, create exceptions to the normal requirement of a demonstration of public convenience and necessity and thus are "held to extend only to carriers plainly within [their] terms." McDonald v. Thompson, 305 U.S. 263, 266 (1938). The purpose of a "grandfather clause" is to

"avoid the hardship which would result from forcing a carrier to justify his existing business in terms of public convenience . . . to accept the motor vehicle system as it was . . . ." Crescent Express Lines,

Inc. v. United States, 49 F.Supp. 92, 94 (S.D.N.Y. 1943) aff'd, 320 U.S. 401 (1943).

Accordingly, to fulfill that purpose, the fact of being actually engaged in a service must be deemed the operative element in the issuance of a "grandfather certificate".\*

Under Section 4(a) of the Compact, actual engagement in a service is the critical prerequisite. The importance of this prerequisite is emphasized by that Section's requirement of "bona fide" engagement in transportation as a condition precedent to the issuance of a "grandfather certificate". That requirement appears also in the "grandfather clause" of Section 206(a) of the Motor Carrier Act, 49 Stat. 543 (1935) as amended, 49 U.S.C. Sec. 306(a) (1964), which is substantially similar to that of Section 4(a) of the Compact. The words "bona fide" engagement in transportation have been consistently interpreted by the courts\*\* in cases under the Motor Carrier Act, to call for proof of an "actual, real, physical, substantial ... [service], and not merely a proposed or offered one ... ." Nashua Motor Express, Inc. v. United States, 230 F.Supp. 646, 650-51 (D. N.H. 1964).

In one of the leading cases, United States v. Carolina Freight Carriers Corp., 315 U.S. 475 (1942), Mr. Justice Douglas, writing for the Court, defined "bona fide" to mean actual and not potential service as follows:

\* United States v. Carolina Freight Carriers Corp., 315 U.S. 475, 480-81 (1942); McDonald v. Thompson, *supra*, 305 U.S. at 266; Crescent Express Lines, Inc. v. United States, *supra*, 49 F.Supp. at 94; Cardinale Trucking Co. v. United States, 232 F.Supp. 339, 346-7 (D. N.J. 1964); Nashua Motor Express, Inc. v. United States, 230 F.Supp. 646, 650-51 (D. N.H. 1964); Keystone Motor Express, Inc. v. United States, 228 F.Supp. 793, 798-99 (S.D. W.Va. 1964); Zuzich Truck Line, Inc. v. United States, 224 F.Supp. 457, 465-66 (D. Kan. 1963); Moore v. United States, 41 F.Supp. 786, 791 (D. Minn. 1941) (*per curiam*), aff'd mem. 316 U.S. 642 (1942).

\*\* See cases in the above note, all of which, with the exception of Crescent Express Lines, Inc. construed the words "bona fide".



"The Act provides the test of 'bona fide operation'. That standard carries the connotation of substantiality. It also makes clear that a holding out to serve a specified area is not alone sufficient. It is 'actual rather than potential or simulated service' which is required. . . . Substantial, as distinguished from incidental, sporadic, or infrequent, service is required. Substantial service actually rendered may have been confined to narrow limits. . . . Ability to render the service throughout the wide reaches of the territory, which the applicant professed to be willing to serve, may not have existed." 315 U.S. at 480-481.

The construction by this Court of the "grandfather clause" of Section 4(a) of the Compact to require actual engagement in service as a condition to the issuance of a "grandfather certificate" has been consistent with the construction given to the parallel clause in Section 206(a) of the Motor Carrier Act. In Holiday Tours, Inc. v. WMATC, 352 F.2d 672, 676 n.5 (D.C. Cir. 1965), this Court, in so construing the "grandfather clause" of Section 4(a) of the Compact, expressly relied upon Moore v. United States, supra, 41 F.Supp. at 791, one of the many cases\* indicating that actual engagement in transportation is the determinative factor under Section 206(a) of the Motor Carrier Act. In Gadd v. WMATC, 347 F.2d 791 (D.C. Cir. 1965) (per curiam), this Court stated that:

"Section 4 of Article XII of the Compact . . . contemplates two sources of authority for operations required to be certificated under that statute. One is a 'grandfather' right to a certificate in respect of transportation in which the applicant was bona fide engaged on the effective date of the law (March 22, 1961). In the case of such an application, the only issues are the fact and bona fides of such asserted engagement and nothing need be shown with respect to the public convenience and necessity . . . ." 347 F.2d at 792 n.1.

Thus, it is clear that the statutory purpose of the "grandfather clause" of Section 4(a) of the Compact is that of

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\* See cases in note, p. 15, supra.



authorizing only those operations in which carriers were "bona fide engaged" upon the effective date of the Compact. The Commission's assertion that the "grandfather certificates" of ABW and WMA authorized service in which neither were "bona fide engaged" on the effective date of the Compact is arbitrary and capricious and not only directly contravenes Section 4(a) of the Compact and this Court's decisions with respect thereto, but is inconsistent with the policy and purposes of a "grandfather clause".

3. The "grandfather certificates" issued to ABW and WMA authorize only those operations actually engaged in on the effective date of the Compact

Even if the "grandfather certificates" issued to ABW and WMA do not incorporate the authority of the PUC and without regard to the construction of Section 4(a) of the Compact, the "grandfather certificates" nevertheless authorize only those operations actually engaged in by them on March 22, 1961, the effective date of the Compact.\* This was all that was requested by them in their respective applications for "grandfather certificates" and that was all that was granted by the specific terms of the Commission Order issuing such certificates (Ex. 88).

Applications for certificates "authorizing continuance of operations being conducted on the effective date of the Compact,"\*\* (emphasis added), were filed by ABW and WMA pursuant to the "grandfather clause" of Section 4(a) of the Compact. Proof of regular route operations was established by the filing with the Commission of operating authority issued to these carriers by the several administrative agencies which had prior

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\* Disregarding subsequent amendments to such certificates, none of which are relevant to the Route Extensions.

\*\* Order No. 367, p. 1 (Ex. 88).

jurisdiction over their operations in the Metropolitan District.\*

In Order No. 367 (Ex. 88) under which the "grandfather certificates" were issued, the Commission defined the questions presented for determination therein as follows:

"The only issues involved were whether or not the applications were timely filed and whether or not the applicants were bona fide engaged in transportation subject to this Act for which authority was sought." (emphasis added) Order No. 367, p. 2.

Neither ABW nor WMA conducted operations over the Route Extensions or to the area served thereby on the effective date of the Compact. To assert at this time that something more than operations actually conducted upon the effective date of the Compact is authorized by the "grandfather certificates" is thus contrary to the request of the carriers for such certificates and to the Order of the Commission issuing them.\*\* This is arbitrary and capricious and the conclusion of the Commission that the "grandfather certificates" authorize ABW and WMA to serve the Route Extensions is without basis.

C. The interpretation of the "grandfather certificates" as authorizing ABW and WMA to serve the Route Extensions would render the certificates invalid under Section 4(d) of the Compact and must be rejected

To conclude, as the Commission erroneously does, that the "grandfather certificates" authorize ABW and WMA to serve the Route Extensions, the Commission must, necessarily, find that it is not required to designate the specific routes and

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\* Commission Staff Conference Report, p. 3, incorporated by reference in Commission Order No. 367 (Ex. 88).

\*\* That the Order of the Commission authorized only continuance of operations actually engaged in upon the effective date of the Compact is underscored by its use of the term "bona fide engaged", which, in the context of a "grandfather clause", is not limited to the concept of a "good faith" operation, but requires actual service. Nashua Motor Express, Inc. v. United States, supra, 230 F.Supp. at 650-51.

termini to be served in the certificates of public convenience and necessity for "regular route" operations which it issues. The Commission states that, in not designating specific streets within the District, it merely follows the procedure of the ICC in not designating specific streets in a metropolitan area. Order No. 581, pp. 6-8. This statement disregards the fact that the authority of the Commission has a broader scope than that of the ICC (see pp. 12-14, supra).

Section 4(d) of the Compact, which prescribes the form and content of the certificates for "regular route" operations required under Section 4(a), does not authorize issuance of a certificate which does not specify the service to be rendered and the routes and termini therefor. The only authority for area-wide operations which is contemplated by Section 4(d) is that applicable to "service ... not over specified routes or between fixed termini" as to which authority can be granted for "the territory within which ... the carrier is authorized to operate."

The phrase "territory within which" in Section 4(d) of the Compact is limited to "irregular route" service and cannot be applied to the "regular route" service at issue in this proceeding. United States v. Maher, 307 U.S. 148, 155 (1939). In Maher, language in Section 206(a) of the Motor Carrier Act, supra, similar to the above-quoted excerpt from Section 4(d) of the Compact was unanimously held to be applicable only to "irregular route" service, the Court making the following statement about the phrase "territory within which":

"In differentiating between operations over the 'route or routes' for which an application under the 'grandfather clause' is made as against operations 'within

the territory,' Congress plainly adopted the familiar distinction between 'anywhere-for-hire' bus operations over irregular routes and regular route bus operations between fixed termini."\* 307 U.S. at 155.

The legislative history of the Motor Carrier Act and other decisions of the ICC, cited by the Court in support of its conclusion, see Id. at 155, note 3, underscore the "plainly" obvious intent that the language "territory within which" only means "irregular route" operations both in the Motor Carrier Act and in the Compact.\*\*

It is axiomatic that the "grandfather certificates" issued to ABW and WMA should, if possible, be construed so as to sustain their validity. To the extent that such certificates are viewed as incorporating the prior orders of the PUC which continued in force under Section 21 of the Compact, such certificates, by incorporating such PUC orders, did designate the specific routes and termini then authorized to be served. There were no orders of the PUC authorizing service over the Route Extensions or to the area served thereby and, consequently, such "grandfather certificates" do not authorize service over the Route Extensions.

If, however, such "grandfather certificates" were to

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\* The Court further stated that this distinction was implicit in the provision of Section 208(a) of the Motor Carrier Act which is analogous to that of Section 4(d) presently under consideration. 307 U.S. at 155.

\*\* The Commission in its Rules and Regulations, (Reg. 51-06 (1964)), as well as in the certificates of public convenience and necessity which it has issued (Exs. 2, 3, 12, 88), has recognized the distinction between "regular route" operations, which are defined as meaning "scheduled service over designated streets and highways between fixed termini", and "irregular operations" which include special operations and charter service within and between specified territories such as counties and cities. See also Crescent Express Lines, Inc. v. United States, supra, 320 U.S. at 409; Arrowhead Freight Lines, Ltd. v. United States, 115 F.Supp. 537 (S.D. Cal. 1953); 49 C.F.R. Sec. 1651 (1964).

be construed so as to authorize service over the Route Extensions, it would mean that such certificates were not being interpreted as designating specific routes and termini. Under such a construction, the "grandfather certificates" would be invalid for failing to comply with the Compact.

## II

THE COMMISSION ERRED IN ORDERING ABW AND WMA TO SERVE THE ROUTE EXTENSIONS BY MEANS OF "ROUTE AUTHORIZATIONS" WITHOUT AMENDMENT TO THEIR RESPECTIVE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OR THE ISSUANCE OF NEW CERTIFICATES IN ACCORDANCE WITH ALL THE PROVISIONS OF SECTION 4(e) OF THE COMPACT

Even though the Commission cited Section 4(e) of the Compact as the authority for initiating this proceeding,\* it failed to comply with the provisions thereof. The Commission justified such failure by concluding that ABW and WMA could be required to serve the Route Extensions by means of "route authorizations" and that no certificates of public convenience and necessity need be issued. Order No. 581, p. 13. Such conclusion by the Commission is erroneous as a matter of law and, since Section 4(e) constitutes the sole authority of the Commission to order ABW and WMA to serve the Route Extensions, Order No. 581 is void, United States v. Baltimore & O. R.R. Co., 293 U.S. 454, 462-64 (1935), and the "route authorizations" issued pursuant thereto are invalid, Asbury Transp. Co. v. United States, 236 F.Supp. 322, 325 (S.D. Cal. 1964).

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\* Commission Order No. 482



- A. The Commission does not have the authority to order ABW and WMA to serve the Route Extensions by means of "route authorizations" without amendment to their certificates of public convenience and necessity or the issuance of new certificates

The Commission did not amend the "grandfather certificates" of ABW and WMA or issue new certificates of public convenience and necessity to authorize service over the Route Extensions because it erroneously concluded that such service is authorized under the existing "grandfather certificates" (see pp. 10-21, supra).

Section 4(a) of the Compact provides that no service shall be performed unless authorized by a valid certificate of public convenience and necessity. Accordingly, the Commission is without authority to order ABW and WMA to serve the Route Extensions by means of "route authorizations" without amending their existing certificates or issuing new certificates of public convenience and necessity. United States v. Baltimore & O. R.R. Co., supra, 293 U.S. at 462-64.

- B. The Commission cannot avoid compliance with the provisions of the Compact by ordering ABW and WMA to serve the Route Extensions by means of "route authorizations"

Although the Commission allegedly relied on Section 4(e) of the Compact in instituting this proceeding,\* in order to circumvent the requirements thereof and of Sections 4(a) and 4(d)(1) of the Compact, the Commission ordered ABW and WMA to serve the Route Extensions by means of "route authorizations". It is uncontraverted that there is no provision in the Compact for the issuance of "route authorizations", which, apparently,

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\* Commission Order No. 482.

were developed mainly as a convenient device to provide for de minimis changes in routes without the necessity of formally amending a certificate of public convenience and necessity.

The record is clear that all material changes in routes and services which have been authorized have been made only after a hearing on,\* and a finding of, public convenience and necessity (Exs. 94, 95, 97, 98). In all instances in which Transit has objected to such changes because they would affect its own routes, consideration has been given to the provisions of Section 4 of the Compact protecting the rights of holders of existing certificates (Exs. 95, 98). Since the Compact is the sole source of authority for action by the Commission and the Commission has failed to act in accordance with the Compact, Order No. 581 is void.

- C. The Commission has not made the findings required by, or complied with the provisions of, Section 4(e) of the Compact which are prerequisites to an order by the Commission to a carrier to extend its routes

Under Section 4(e) of the Compact, an extension of the existing service of a carrier may be ordered only upon findings that the public convenience and necessity would be served thereby and that such carrier is currently earning a reasonable return on its operations as a whole. These findings, which were not made by the Commission, are required whether or not the extension would operate over the routes of an existing certificate holder.

As is stated in the reports of both the Senate and

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\* In Order No. 156, served June 14, 1962 (Ex. 94), the Commission granted an unopposed application of ABW for a major revision of its operations, the bulk of the revised service to be performed over streets theretofore authorized to be used by it. The Commission found that public convenience and necessity required the revision and that a hearing thereon was not necessary.

House Committees relating to the Compact, Section 4(e)

"contains provisions protecting existing carriers against certification of service by other carriers over their routes." (emphasis added) S.Rep. No. 1906, 86th Cong., 2d Sess. 12 (1960); H.R. Rep. No. 1621, 86th Cong., 2d Sess. 11 (1960).

The protective provisions of Section 4(e) of the Compact require that, in instances where an extension of routes of a carrier would be over the routes of an existing certificate holder, the Commission must find that the service provided by the existing certificate holder is inadequate and must afford the existing certificate holder a reasonable opportunity to remedy such inadequacy.

The evidence in the record clearly establishes that Transit provides service from the former termini of ABW and WMA to the area served by the Route Extensions over the routes contemplated for the Route Extensions (Tr. 121-22, 301-04, 320-21; Ex. 33). Although the Route Extensions operate "over [Transit's] routes" in precisely the manner for which Transit is granted the protection of Section 4(e) of the Compact, the Commission made none of the findings required by Section 4(e) nor did it give Transit the opportunity to remedy any alleged inadequacy. The Commission's statement that Transit does not have the authority to remedy the alleged inadequacies of service to the Virginia and Maryland points served by ABW and WMA, respectively, is irrelevant and assumes its own conclusion that only the Route Extensions will improve service. Transit has a statutory right to remedy any alleged inadequacy in service. The record shows that Transit is willing and able to meet with the other carriers to remedy any alleged inadequacy (Tr. 516), and that in analogous situations, Transit, working with other

carriers, improved service by joint-fare arrangements (Tr. 492-93, 499-500, 505), for far more persons than will be benefited by the Route Extensions (Tr. 499-500, 524-28). Consequently, such right is not moot or academic.

The Commission having failed to follow the procedures prescribed by the Compact, Order No. 581 is void.

D. There is insufficient evidence in the record establishing the factors required to be found by the Compact

Assuming, arguendo, that the hearings ordered by the Commission were deemed to have been for the purpose of making the findings required by Section 4(e) of the Compact, there is no substantial evidence in the record, as required by Section 17(a) of the Compact, which could support such findings.

Section 4(e) of the Compact requires that the Commission find that the "public convenience and necessity" require the Route Extensions. The phrase "public convenience and necessity" requires not only a finding that the proposed service is required for the convenience of the public, but must be read with the requirement of Section 4(e) of the Compact that it is a necessity for the public because of the inadequacy of existing facilities. The advantages to that portion of the public which would be inconvenienced by the Route Extensions must be weighed against the disadvantages to that portion of the public which would be inconvenienced thereby and a determination must be made that the change is worthwhile and practical. Moreover, under Section 4(e) of the Compact, consideration must be given to the financial

effect of the Route Extensions on the carriers involved.\* As is more fully set forth in Point V hereof (p. 34, infra), the evidence in the record is inadequate to sustain a finding that the Route Extensions are in the "public interest". A fortiori, such evidence would not support a finding of public convenience and necessity.

There is no evidence in the record which could support any of the other findings which the Commission is required to make by Section 4(e) of the Compact (see pp. 23-25, supra). There is no demonstration that the existing service rendered by Transit is inadequate to the requirements of the public convenience and necessity. Indeed, the evidence establishes that Transit's service is entirely adequate (see pp. 41-42, infra). Finally, there is no evidence that either ABW or WMA is currently earning a reasonable return on their operations as a whole. Instead, there is evidence to the contrary with respect to the operations of WMA within the District (see p. 44, infra).

### III

#### THE COMMISSION ERRED IN ORDERING ABW AND WMA TO SERVE THE ROUTE EXTENSIONS WITHOUT COMPLYING WITH TRANSIT'S FRANCHISE

The Commission's justification for failing to comply with the Franchise is without basis. Since the evidence shows that compliance with Section 3 of the Franchise was required, such failure renders Order No. 581 void, United States v. Baltimore & O. R.R. Co., supra, 293 U.S. at 462-64, and the

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\* See e.g., Simmons v. FCC, 145 F.2d 578 (D.C. Cir. 1944); Atlantic Coast Line R.R. Co. v. United States, 205 F.Supp. 360 (M.D. Ga. 1962), aff'd mem. 371 U.S. 6 (1962); Southern Ry. Co. v. United States, 167 F.Supp. 747 (M.D. Ga. 1958) (per curiam); Clarke v. United States, 101 F.Supp. 587 (D. C.C. 1951); Pinson Transfer Co., 71 M.C.C. 525 (1957); Suburban Transit Corp., 71 M.C.C. 205 (1957).



"route authorizations" issued pursuant thereto invalid, Asbury Transp. Co. v. United States, supra, 236 F.Supp. at 325.

Section 1(a) of Transit's Franchise (Ex. 11) granted Transit exclusive operating rights within the territory therein described, subject, however, to the operating rights held on or prior to August 15, 1956 by other carriers to render service. In addition to these rights the Franchise provides, in Section 3, that:

"no competitive ... bus line, ... which runs over a given route on a fixed schedule, shall be established to operate in the District of Columbia without the prior issuance of a certificate ... to the effect that the competitive line is necessary for the convenience of the public."\*

A. The Route Extensions are competitive with service being rendered by Transit

Neither ABW nor WMA had operating rights for the Route Extensions or to the area to be served thereby on or before August 15, 1956.

The evidence shows that the Route Extensions are competitive with service rendered by Transit since Transit currently provides service from the existing termini of ABW and WMA to the area served by the Route Extensions and Transit would suffer a loss in fare revenue as a result of Order No. 581 (Tr. 121-22, 301-04, 320-21; Ex. 33). The loss in fare revenue would amount to 17-1/2¢ from the joint-fare for each passenger utilizing ABW or WMA buses on the Route Extensions rather than a Transit

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\* Transit's rights under the Franchise were preserved by Section 3 of the Joint Resolution of Congress consenting to and approving the Compact, which provides in part:

"That nothing in this Act or in the compact consented to and approved hereby shall impair or affect the rights, duties, and obligations created by the Act of July 24, 1956 (ch. 699, 70 Stat. 598), granting a franchise to D. C. Transit System, Inc.".

vehicle, resulting in a projected annual decrease of revenue in an amount between \$130,000\* and \$600,000 (Tr. 299-303).\*\*

The Commission finds that requiring ABW and WMA to serve the Route Extensions would not have a substantial effect upon Transit, would do no substantial violence to Transit's operations and would not be competitive with Transit's service, Order No. 581, p. 12. The evidence in the record undeniably repudiates these findings. The evidence having established that service by ABW and WMA would adversely affect the business of Transit, it necessarily follows that such service is competitive with Transit's existing service, and the Commission erred in not so finding.

However, the Commission states in Order No. 581, p. 13, that even if the Route Extensions were construed to be competitive with service rendered by Transit, service over the Route Extensions is nevertheless authorized by the "grandfather certificates" issued to ABW and WMA pursuant to the Compact. If the "grandfather certificates" were issued pursuant to the provisions of the Compact, they do not authorize service over the Route Extensions (see pp. 12-21, supra).

In response to this, the Commission argues that Transit

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\* At the very least, if all of the 1,413 persons who indicated in the Staff's post card questionnaire that their destination was in the area of the Route Extensions were to use the new service rather than transferring to Transit's vehicles, the loss of revenue to Transit, based on the 17-1/2¢ joint-fare in each direction, would be approximately \$500 per working day, or \$130,000 per year.

\*\* Transit's principal witness estimated that 80 to 90 percent of the passengers using the joint-fare have as their destination the area to be served by the Route Extensions (Tr. 358, 382-83). The Staff's principal witness disputed Transit's estimate of the size of its projected loss, but stated that even if the loss were as great as estimated by Transit, he would still recommend the Route Extensions (Tr. 653-56).

did not object to the "grandfather certificates" issued to ABW and WMA. It is true that Transit did not object to the issuance of the "grandfather certificates" to ABW and WMA but only in the belief that the authority granted thereby was limited to the service rendered on March 22, 1961, which was all the applications for such certificates sought, and all that the Order of the Commission pursuant to which they were issued granted (see pp. 17-18, supra). This belief of Transit that the "grandfather certificates" were so limited was further substantiated by decisions of this Court and by other authority to the effect that "grandfather certificates" issued pursuant to statutory language such as in Section 4(a) of the Compact authorize only service actually rendered on the determinative dates (see pp. 14-17, supra).

B. The Commission may not order ABW and WMA to serve the Route Extensions without a finding of the public convenience and necessity thereof as required by the Franchise

The Commission is required by the Franchise to find "public convenience and necessity" as a prerequisite to the establishment of the Route Extensions since service by ABW and WMA over the Route Extensions is competitive with Transit's existing service.

In stating that such finding is not required under the Franchise, the Commission relies upon a 1955 proceeding before the PUC involving an application of WMA for extension of a route within the District, Order No. 581, p. 5.\* The Commission states

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\* PUC Order No. 4158 (Ex. 87). In that proceeding, the predecessor of Transit opposed the application of WMA urging that the extensions would be competitive and that Section 4 of the Merger Act (Section 44-201, D. C. Code, 1951) required, as a prerequisite to the establishment of a competitive line, the issuance of a certificate by the PUC to the effect that such line was necessary for public convenience. See also PUC Order No. 3682 (Ex. 87).

that the PUC held that a certificate of public convenience and necessity was not required under the applicable statute, the language of which is almost identical with that in Section 3 of the Franchise. Such statement is misleading since the PUC held that the proposed change of route was not competitive, and further stated that:

"if it be judicially determined that these changes in route are subject to the provisions of said Section 4 of the Merger Act, the Commission finds that the proposed extension ... [is] necessary for the convenience of the public and that this order shall be considered as such a certificate." Order No. 4158, p. 4 (Ex. 87)

The Commission made no finding in this proceeding such as the finding made by the PUC in its Order No. 4158. Moreover, even if the hearings held herein were deemed hearings for the determination of the public convenience and necessity of the Route Extensions (which they were not), the Commission could not possibly have made any findings of public convenience and necessity because there was no substantial evidence in the record herein which could have sustained such a finding under Section 17(a) of the Compact (see pp. 25-26, supra, and pp. 34-45, infra).

#### IV

#### THE COMMISSION ERRED IN RECEIVING IN EVIDENCE AND RELYING UPON THE ORIGIN- DESTINATION SURVEY OF PATRONS OF ABW AND WMA CONDUCTED BY THE COMMISSION STAFF

The Commission states in Order No. 581, p. 8, that the primary basis for its Staff's recommendation that ABW and WMA be required to serve the Route Extensions was an origin-destination survey of the patrons of these carriers. The record indicates that the survey should not have been admitted into evidence or given any probative weight and that its admission

not only lacks elemental fairness, but is arbitrary and capricious.

The Commission relies principally upon the Staff report, and the survey, in finding that it would be in the public interest for ABW and WMA to serve the Route Extensions.\* Order No. 581, pp. 8-11. The Commission having relied upon evidence which is inadmissible and has no probative value as the primary basis for its findings in Order No. 581, such findings are not supported by substantial evidence as required by Section 17(a) of the Compact and cannot be sustained. Universal Camera Corp. v. NLRB, 340 U.S. 474, 490 (1951).

A. The survey is scientifically unreliable, is not entitled to any probative weight and should not have been received in evidence

The Staff's survey was based entirely on the returns from post cards distributed to inbound passengers of ABW and WMA on one particular morning by the drivers of the respective carriers (Tr. 12-14, 22-23; Ex. 1). No representative of the Staff was present on any bus to determine whether the drivers were in fact distributing the post cards (Tr. 49-51, 55). Thus, it is not possible to determine whether each passenger actually received a post card, whether any passenger might have received more than one, or whether any post cards might have fallen into the hands of non-passengers.\*\*

The post card asked only for the intersections nearest

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\* Counsel for the Commission in oral argument in this Court on Transit's motion for a stay in this proceeding, stated that such survey was the sole basis for Order No. 581.

\*\* Doubt is cast upon the reliability of the survey by the fact that one of the responses from a passenger of ABW, which principally serves Alexandria, Virginia, indicated a home address in Rockville, Maryland (Tr. 351-52).



the passenger's home and his place of employment and the time that he desired to arrive in downtown Washington (Ex. 1). No question was asked concerning the adequacy of the existing service or of a desire for a change thereto. The post card survey did not attempt to query passengers traveling at any other time, including those traveling outbound during the afternoon rush hour (Tr. 16, 71, 109-10). Because the post cards did not include any question as to the point of origin of the passenger's journey nor as to the bus route used, it was not possible to determine which of the routes, if any, served a greater proportion of the passengers who might be benefited by the Route Extensions (Tr. 114, 134-35, 284, 354-55, 372-73).

Of the approximately 12,500 post cards distributed, 5,166 were returned in a legible and unambiguous condition, and these indicated that 1,413 passengers, or approximately 12% of the sample, had as their ultimate downtown destination the area to be served by the Route Extensions and that 3,039 passengers indicated that their ultimate destination was in the area of the existing termini of ABW and WMA. Order No. 581, pp. 8-10. The Commission does not draw any conclusions as to whether the passengers who did not respond, more than one-half of those to whom post cards were distributed, were satisfied with their existing service.

Transit objected to the admissibility of the survey and of the Staff's report which was based thereon on the ground, among others, that its unreliability made it inadmissible hearsay (Tr. 217-19, 227-29, 235-36). The methods used to prepare the survey are such that it would not meet the minimum standards which have been set whenever exceptions have been made to the

rules of evidence so as to admit surveys and sampling polls. See Report of the Judicial Conference Study Group on Procedure in Protracted Litigation, 25 F.R.D. 351, 425-30 (1960). Such surveys have been held inadmissible in ICC proceedings and it has also been held that such questionnaires or surveys may not be used as the basis for the opinion of an expert. Oregon-Nevada-California Fast Freight, Inc. 71 M.C.C. 165 (1957); Somerset Bus Co., 43 M.C.C. 543 (1944); Public Serv. Interstate Transp. Co., 43 M.C.C. 599 (1944).

Consequently, both the survey and the Staff report should have been rejected by the Commission. Since the finding that the public interest will be served by the Route Extensions is based primarily on the survey and the report, that finding cannot be sustained.

B. Admission of the survey into evidence is an arbitrary and capricious act

A survey prepared by Transit, substantially similar to that of the Staff, was held to be inadmissible in a Commission proceeding only a few months prior to the hearings in this case on the authority of the following language from the decision in Oregon-Nevada-California Fast Freight, Inc., supra:\*

"The [ICC] has long accepted as sound the general principle that petitions, letters, affidavits, and questionnaires or cumulative data resulting from such surveys such as herein conducted are inadmissible over objection due to the lack of opportunity for opposing parties to cross-examine."

Accordingly, the admission of the Staff's survey into evidence by the Commission in this proceeding is an arbitrary and capricious act. The sole apparent basis for the different

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\* See WMATC Docket Nos. 78 and 79, Tr. 28-31.

treatment of the surveys is that the one which was admitted into evidence was prepared by the Staff of the Commission while the one that was rejected was prepared by Transit. This Court should not countenance such blatantly unfair procedures which violate the most basic notions of evenhanded justice and strike at the core of the impartiality required of administrative agencies.

V

THE COMMISSION ERRED IN ISSUING ORDERS  
REQUIRING ABW AND WMA TO SERVE THE ROUTE  
EXTENSIONS BECAUSE SUCH ORDERS ARE NOT  
SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE  
RECORD

The report of the Staff recommended that the Commission find that public convenience and necessity required the Route Extensions (Ex. 1, p. 6). The Commission's Order instituting this proceeding required a finding of the "propriety and reasonableness" of the Route Extensions\* and in Order No. 581, p. 13, the Commission found that the public interest will be served by the Route Extensions. Evidently, this language of the Commission is intended to prescribe some different, and perhaps lesser standard, than that of public convenience and necessity. Since, however, there is no "substantial evidence" in the record as required by Section 17(a) of the Compact to sustain even the Commission's findings of public interest,\*\* Order No. 581 should be set aside, Universal Camera Corp. v. NLRB, supra, 340 U.S. at 490, and the "route authorizations" issued pursuant thereto held invalid, Asbury Transp. Co. v.

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\* Commission Order No. 482.

\*\* Transit does not concede that such standard, even if established, is sufficient under the Compact and the Franchise to require ABW and WMA to serve the Route Extensions (see pp. 21-30, supra).

United States, supra, 236 F.Supp. at 325.

- A. There is insufficient evidence in the record to establish that direct through service will be provided by the Route Extensions

In Order No. 581, p. 12, the Commission states that the record is clear that a substantial number of daily commuters will be greatly inconvenienced if service by ABW and WMA over the Route Extensions is ordered because a large segment of the public will have the benefit of a single ride in a single vehicle from origin to destination and that this will be a major transit improvement for numerous daily bus riders. At pp. 8 to 10 of the Order, the Commission incorporates the statement of its chief engineer, the Staff's principal witness at the hearings, which concludes that the Route Extensions would serve at the "absolute minimum, an additional 1,400 of . . . [the] present daily peak commute period passengers [of ABW and WMA] at a satisfactory level." This statement is misleading and does not accurately reflect the entire testimony of this witness.

At the beginning of the hearings before the Commission, the Staff's principal witness stated that the "1,100 passengers [of ABW] involved [in the survey] warrant the extension of service [,] and that I base my entire recommendation on that fact." (Tr. 86) However, subsequently, he abandoned the attempt to serve the 1,100 passengers of ABW in apparent reliance upon Transit's analysis of the home addresses of the passengers responding to the post card survey\* (Tr. 651, 660). The

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\* Transit's analysis would indicate that in any given area served by ABW and WMA the number of passengers desiring to travel to the area of the Route Extensions is roughly the same as the overall total of all passengers surveyed who wished to travel to the Route Extensions (Tr. 284, 286-87, 290; Exs. 17, 18). This would appear to require that every bus on every route of ABW and WMA be extended in order to provide service at the same times for such passengers (Tr. 284, 286-87, 290).

proposal was altered to provide additional ABW service of one bus on each of three routes inbound at 8:30 a.m. on weekdays and outbound at 5:30 p.m. (Tr. 651, 660-61, 670, 688), thus serving only 150 additional persons (Tr. 660-61, 688), provided they all travelled together by full bus load at the same time (Tr. 660-61). As to the remaining ABW passengers, the Staff's principal witness stated that service for them would be provided "according to public demand" (Tr. 670).\*

Moreover, the conclusion of the Commission that direct through service would be provided to a substantial number of passengers of ABW and WMA is erroneous. There is no evidence to show the feasibility of transporting a substantial number of passengers of ABW and WMA to the area to be served by the Route Extensions without a transfer. Unless every single route of ABW and WMA were extended, the evidence is clear that the Route Extensions would merely shift the transfer point to another location in the District or to a location in Maryland or Virginia (Tr. 72, 177, 180-81, 184, 201-02, 226-27, 338-39, 599-603).

- B. There is insufficient evidence in the record to establish that direct through service is synonymous with adequate public transportation

The theory underlying the Route Extensions is that if a bus patron is not brought within three blocks of his ultimate destination without transferring, the service is inconvenient and inadequate (Order No. 581, p. 9; Tr. 10-16, 45, 152; Ex. 1, p. 3). Manifestly, through service from point of origin to destination is desirable, but no evidence was introduced to

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\* Transit submits that there is some difficulty in comparing this proposal dealing with 450 passengers (150 from ABW and 300 from WMA) with the conclusion that service for some 1,400 passengers would be provided.



show that such service would be provided by the Route Extensions or was either a requirement of public convenience and necessity or in the public interest. This standard set by the Commission as the determinative factor in this proceeding is obviously impractical and unsound and disregards all other elements which a reasonable exercise of regulatory judgment would deem material to a viable transportation system. No transportation system, however ambitious, can, effectively and economically, provide "single-line door-to-door service ... for everyone between all points between which they might desire to travel." E. Vanderhoff & Sons Extension, 52 M.C.C. 755, 769 (1951).

In Vanderhoff, supra, a case strikingly similar to the present proceeding, the ICC held that direct through service is not synonymous with adequate public transportation. There, a carrier proposed to furnish direct through service from West Orange, New Jersey to New York City. Although there was no direct through service between those points, there was abundant alternate transportation available by means of one transfer. The hearing panel found that the proposed service would result in a diversion of patronage from existing carriers which would affect their operating revenues. On review, the full Interstate Commerce Commission held that although "some measure of additional convenience" would be provided to those living adjacent to the proposed route, there were ample adequate and reasonably convenient alternate transportation facilities available to the public. The ICC stated:

"It is obvious that single-line door-to-door service cannot be provided for everyone between all points between which they might desire to travel. It is necessary, therefore, that we consider whether the additional convenience to be provided to a relatively small portion of the public is sufficient to warrant the granting of authority for the institution of a new transportation service in direct competition with established agencies which have expended substantial sums of money and effort in the development of their services to the considered communities as a whole." 52 M.C.C. at 769-70.

The ICC further stated that:

"The mere fact that a change of vehicle is necessary in certain circumstances does not provide a proper basis for a finding that such service is inadequate. The transportation system in the area here involved is designed to meet the needs of the greatest number of persons possible, consistent with economical operation and the physical limitations presented." 52 M.C.C. at 771.

The ICC therefore concluded that:

"The best interests of the public as a whole are not served by the establishment of duplicating facilities which, although providing a small measure of additional convenience to some, endanger the efficiency of existing facilities to the detriment of the majority. It is obvious that a diversion of traffic to the extent herein contemplated will have a materially adverse effect upon existing services in the area, and, in the absence of substantial and convincing evidence that such existing services are inadequate, the instant application must be denied." 52 M.C.C. at 771.

Apart from deciding that a significant number of residents of Virginia and Maryland travelled to the area to be served by the Route Extensions, the Commission made no further findings, but blithely assumed, without any evidentiary basis, that they would be better served by requiring ABW and WMA to provide through service over the Route Extensions. No attempt has been made to determine where such passengers came from or what bus routes they travelled and, consequently, there is no way of knowing how many passengers, if any, would be benefited by the extension of specific bus routes to serve the Route Extensions. (Tr. 114, 134-35, 284, 354-55, 372-73).

The fact that, under the Commission's Order No. 581, transfers will now be effected in Virginia and Maryland or at new transfer points in the District is disregarded. Even if the Route Extensions provided direct through service for a limited number of ABW and WMA patrons, there is abundant evidence that the Route Extensions would cause serious traffic slowdowns and delays and would not result in faster transportation (Tr. 323-27; Ex. 60).

Finally, the Route Extensions are duplicative of existing services since Transit already provides service from the old termini of ABW and WMA to the area served by the Route Extensions. Certainly, the public interest does not require such a wasteful and inconvenient duplication of service and equipment. This view is shared by the ICC which, in Sante Fe Trail Transp. Co., 48 M.C.C. 85, 88-89 (1948), stated:

"The public is entitled to adequate motor service though not necessarily a single-line motor service when a reasonably adequate interline service is available."

It is clear from the record that the Commission decided upon the Route Extensions as the means of improving transportation without adequate findings concerning their effect on the public as a whole and without considering alternative means of arriving at the same result. On the basis of the Staff's proposal, there would be improved service for a maximum of some four hundred and fifty people (see pp. 35-36, supra). This should be compared with the improved service rendered to the public when Transit, ABW and WMA and Washington, Virginia & Maryland Coach Company, Inc., faced with a similar problem, devised a joint-fare system which improved transfer points and reduced the cost of transportation and was utilized by more than 400,000

passengers (Tr. 524-28).

- C. There is insufficient evidence in the record to support a finding that the public interest will be served by the Route Extensions

The Commission ordered ABW and WMA to serve the Route Extensions on the ground of public interest which the Commission holds "can be largely determined by an inquiry into the demand for the proposed service." Order No. 581, p. 3.

The Commission's view that public interest is related only to demand for a proposed service seems to be a very strange and limited view of public interest and does not allow for a reasonable exercise of its regulatory function. It ignores all questions of need and of the economic effect of the proposed service on the carriers involved, which effects must of necessity be felt by the public either in the form of reduced service generally or of a fare increase. The only evidence in the record concerning these factors establishes that the Route Extensions would not be in the public interest.

1. Evidence shows that there is no demand or need for the Route Extensions

There is no evidence showing a demand for the Route Extensions or a need therefor. The Staff's post card survey, the primary basis for the Staff's recommendation that ABW and WMA be required to serve the Route Extensions, Order No. 581, p. 8, does not show that any bus patron demands or needs the Route Extensions (see pp. 31-32, supra). Indeed, the question of whether the patrons of ABW and WMA were satisfied with their present service was not even put to them on the post card survey (Ex. 1). But even a showing of increased convenience for a limited number of persons is insufficient to show a lack of

convenience in existing facilities or that there is a considerable demand for a change. New York-New Jersey Bus Applic., 23 M.C.C. 219, 232-33 (1940).

The only other evidence concerning the demand or need for the Route Extensions is the testimony of an official of the General Services Administration, based on an outdated opinion survey taken in 1961 and 1962 (Tr. 28-32), of an official of the District Government, which was based upon unscientific "personal observations" (Tr. 98-100, 166-69), of another official of the District Government who spoke about the present and projected employee population in the area to be served by the Route Extensions but who had no knowledge of the areas in which these employees live or from where they come to work (Tr. 93, 164-65), and of one lay witness, whose wife formerly worked in the area of the Route Extensions (Tr. 102-04), Order No. 581, p. 11. There is no credible testimony from any member of the riding public or from commercial enterprises which would indicate a demand or need for the Route Extensions. Public Serv. Interstate Transp. Co., supra, 43 M.C.C. 599.

In order for there to be a need for a new service, there must be evidence that existing service is inadequate. The evidence in the record shows that the service currently provided by Transit for passengers whose destination is in the area to be served by the Route Extensions is entirely adequate. Transit operates two routes which provide a great volume of service for passengers transferring from ABW and WMA vehicles from within a short distance of the former termini of ABW and WMA to and beyond the area served by the Route Extensions (Tr. 312, 319-23, 327-30, 332-34; Exs. 33-59, 61-80). No evidence was introduced to show



that transfer passengers were not getting adequate and prompt service to their destination nor was any evidence introduced to show that faster service would be provided by requiring ABW and WMA to serve the Route Extensions.

There is no probative evidence in the record indicating a demand or need for the proposed service and, therefore, according to the Commission's own test, such service is not required in the "public interest".

2. Evidence shows that service to be rendered by ABW and WMA over the Route Extensions would adversely affect public transportation

The Staff's principal witness initially testified that he had not determined the amount or type of service to be rendered over the Route Extensions (Tr. 24, 71-72, 80, 145-47, 151-54) and that the service contemplated might require passengers to remain on a bus during a five to ten minute layover period (Tr. 67-68, 155-56).

The Staff's principal witness took issue with the amount of service proposed by ABW (Tr. 176-78, 211-12; Ex. 8) and proposed instead operation of three buses which would serve a theoretical and unrealistic maximum of 150 persons (Tr. 651, 660-64, 670-71, 673-74, 688; see pp. 35-36, supra). The proposed WMA schedule indicated that headway between buses going to the new terminus would be approximately 30 minutes and that four buses would depart simultaneously therefrom, an area of extreme traffic density (Tr. 603-05; Ex. 116).

The record is clear that service by ABW and WMA over the Route Extensions could not provide faster or more convenient service for a substantial majority of ABW and WMA patrons than

the service now provided by Transit. The evidence further indicates that the Route Extensions would cause serious traffic slowdowns and delays (Tr. 323-27; Ex. 60),\* thus greatly inconveniencing passengers of all the carriers.

3. Evidence shows that the Route Extensions would have an adverse economic effect on the carriers

The Staff's presentation does not contain any evidence as to the cost of the Route Extensions.\*\* There is testimony, however, that in order to meet the load standards prescribed by the Commission both ABW and WMA would have to employ additional buses and personnel to provide the new service (Tr. 78, 80, 151, 185, 194-95, 198, 577-78, 612, 634, 679-80; Exs. 9, 118). Moreover, the serious traffic slowdowns and delays which would be caused by the Route Extensions (see p. 39, supra), would result in increased operating costs.\*\*\*

Evidence introduced by ABW indicates that its contemplated schedule for the Route Extensions would result in a net loss of approximately \$45,000 per year, an amount which would be considerably higher if all of the ABW routes were to be extended in order to provide through service for all its passengers (Tr. 193, 210; Ex. 9).

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\* There is no finding that any of the streets on which the termini for the proposed routes might be located were capable of meeting the traffic problems which would be created thereby. Nor was evidence introduced to show that the Route Extensions would not unduly burden the city streets. United Parcel Serv. v. Public Serv. Comm'n., 240 Wis. 603, 614, 4 N.W.2d 138, 143 (1942).

\*\* The Staff's principal witness testified that he would recommend them without regard to their cost (Tr. 23-24, 78-79, 136; Ex. 1).

\*\*\* A decrease in average bus speeds of one mile per hour can increase operating expenses of a carrier by more than \$750,000 annually. S. Rep. No. 637, 89th Cong., 1st Sess. 17 (1965).

Evidence introduced by WMA indicates that a contemplated schedule for the Route Extensions would result in additional cost to it of approximately \$35,000 per year but WMA could not show that the Route Extensions would generate the approximately 83,000 additional one-way passengers required to meet such additional costs (Tr. 577-80, 595-99; Ex. 118).

Although these additional costs indicate that a fare increase for the Route Extensions would be necessary, the Staff's principal witness testified that it is his belief that passengers ought to be transported to the area to be served by the Route Extensions at the present fare, even if this means that the other riders of ABW and WMA were subsidizing the Route Extensions (Tr. 78-79, 85).

ABW is unwilling to offer the additional service unless required to do so (Order 581, p. 11; Ex. 8). Although WMA is willing to provide the additional service (Order 581, p. 11; Tr. 573; Ex. 116), there is no evidence of its ability to do so. Rather, the testimony indicates that WMA had sustained a loss of approximately \$32,000 on its District operations in its prior fiscal year (Tr. 291, 586-88) and a "tremendous loss" in the year before that (Tr. 588-89).

The Staff admittedly disregarded competitive and duplicative service offered by Transit as an irrelevant factor (Tr. 17, 110-14). However, the evidence shows that the Route Extensions will result in a loss of revenue to Transit of between approximately \$600,000 and \$130,000 (see pp. 27-28, supra). Transit will not have any offsetting savings since the vehicles used by Transit to transport passengers transferring from ABW and WMA to the area served by the Route Extensions would make such trips

in any event in order to serve existing passenger traffic (Tr. 303-04.

Since Transit's fare structure and its ability to provide economical service takes into account the revenue it derives from transfers from ABW and WMA, such a loss would have to be offset by a curtailment of Transit's service or by a fare increase.

## VI

### THE ISSUANCE OF ORDERS BY THE COMMISSION REQUIRING ABW AND WMA TO SERVE THE ROUTE EXTENSIONS AND THE PROCEDURES FOLLOWED IN CONNECTION THEREWITH DEPRIVED TRANSIT OF ITS CONSTITUTIONAL RIGHTS TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

Commission Order No. 581 in requiring ABW and WMA to serve the Route Extensions disregards the protection afforded Transit by the Compact and breaches Transit's exclusive rights under the Franchise. Nothing could be more indicative of the deprivation of Transit's rights to due process than the ratification by the Commission of the Staff's view that the "grandfather certificates" of ABW and WMA entitle them to provide service anywhere in the District, even if such service overlaps or completely duplicates that of Transit (Tr. 130-33).

A franchise and a certificate of public convenience and necessity to operate as a carrier are property of value and as such are entitled to constitutional protection. Texas & Pac. Motor Transp. Co. v. United States, 87 F.Supp. 107 (N.D. Tex. 1949), rev'd on other grounds, 340 U.S. 450 (1951). This property cannot be taken or diminished without regard to due process of law. Movers Conference of Am. v. United States, 205 F.Supp. 82 (S.D. Cal. 1962) (per curiam).

In the Compact, the powers of the Commission are

delineated with precision. The power granted to the Commission to issue certificates of public convenience and necessity and to require carriers to extend their routes or serve additional routes is not unqualified power. The form and content of the certificates of public convenience and necessity are prescribed by the Compact. The procedures to be followed and the findings to be made by the Commission before it can require a carrier to extend its routes or serve additional routes are carefully spelled out in the Compact.

Administrative agencies are creatures of statute, CAB v. Delta Air Lines, Inc., 367 U.S. 316, 322 (1961), and must find within their statutes warrant for the exercise of any authority to which they lay claim. Regents of the Univ. Sys. v. Carroll, 338 U.S. 586, 597 (1950). Powers beyond those given by the statute cannot merely be assumed by administrative officers, Waite v. Macy, 246 U.S. 606, 608-09 (1918), nor can powers be prescribed by an unchallenged exercise. United States v. Morton Salt Co., 338 U.S. 632, 647 (1950). As was stated in CAB v. Delta Air Lines, Inc., supra:

"[T]he determinative question is not what the board thinks it should do but what Congress has said it can do." 367 U.S. at 322.

In finding that ABW and WMA have authority to serve any area in Washington, D.C. and in requiring ABW and WMA to extend their routes without considering the adequacy of Transit's service or giving Transit an opportunity to remedy any alleged inadequacy, the Commission has misconstrued Section 4 of the Compact and disregarded Section 3 of the Franchise. In ordering service over the Route Extensions by the issuance of "route authorizations" the Commission has deprived Transit of its



statutory rights in the interest of administrative expediency. Administrative expediency cannot override the constitutional requirements of due process. Ohio Bell Tel. Co. v. Public Util. Comm'n, 301 U.S. 292, 304-05 (1937). The Commission by its erroneous interpretation of the Compact and misuse of an administrative process has destroyed constitutionally protected rights. This violates the requirements of substantive due process, is an arbitrary and capricious act and, thus, illegal.

The erroneous construction of the Compact and the use of an unauthorized procedure affecting Transit's rights deprives Transit of procedural due process as well. The only kind of order affecting property rights which the Commission has the power to issue, a certificate of public convenience and necessity, cannot be issued without the procedural safeguards of notice, hearing, and specific findings. Section 4(b), (e) and (g) of the Compact. There are none of the safeguards in a "route authorization" which are inherent in the administrative law process and which are part of any proceeding for the issuance of or an amendment to a certificate of public convenience and necessity.

In addition, Transit has been deprived of procedural due process by the manner in which the hearing has been conducted. The right to a hearing granted by Rule 12-04 of the Commission's Rules of Practice and Procedure connotes the right to a full, fair and meaningful hearing with an awareness of what matters must be countered. Because of the vagueness of the Staff's proposals and the lack of evidence in support of them, Transit has been denied this right. As was stated in Simmons v. United States, 348 U.S. 397, 405 (1955):

"The Congress, in providing for a hearing, did not intend for it to be conducted on the level of a game of blindman's buff."

Prior to and even during the course of the hearing, the Staff never did specify the precise terms and conditions it proposed for the Route Extensions. This in itself was violative of Transit's constitutional rights, since the minimum necessities of due process include

"[T]he revelation of the evidence upon which the disputed order is based, an opportunity to explore that evidence, and a conclusion based upon reason and not merely arbitrary. . . ." Jordan v. American Eagle Fire Ins. Co., 169 F.2d 281 (D.C. Cir. 1948).

Whenever pressed for details of its proposal, the Staff's principal witness claimed ignorance.\* Nothing could better demonstrate the lack of preparation in the Staff's presentation than the following statement:

"I've told you before I haven't made any recommendation as to the service, what buses, what trips should be operated or what schedules should be operated. I can't answer the question because I told you before I don't know. I haven't made such a study." (Tr. 77)

At best, the entire case presented by the Staff in support of its proposal, and relied upon by the Commission in Order No. 581, is speculative. Action which affects the rights and property of Transit cannot be taken by the Commission on the basis of speculation unsupported by any evidence. Moore v.

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\* "Q [by counsel for ABW] Let me understand your recommendation to this Commission in its simplest form. And to summarize, and this is the last question, you have conducted a survey in which you have reached the conclusion that there are 1110 people who want to move into the 18th and L Street area. You have concluded that initially the company ought to be required to provide 150 seats or standee room for 1110 people in the same period, that the fare structure should be the same, that there should be no additional revenue to the company. But there will be a known increase in operating expenses but you haven't determined how much it is going to be?  
A [by principal Staff witness] Correct." (Tr. 688)

Chesapeake & O. Ry., 340 U.S. 573 (1951). Moreover, no other admissible evidence, except for that introduced by WMA to show that it was capable of rendering the service, was introduced to support the Staff's case or view that the public interest required ABW and WMA to serve the Route Extensions. There being no evidence in the record to sustain the Commission Order requiring ABW and WMA to serve the Route Extensions, such Order is arbitrary and capricious, an abuse of discretion and beyond the statutory power of the Commission and would constitute a denial of due process of law. FTC v. Raladam, 283 U.S. 643 (1931); Northern Pac. Ry. Co. v. Department of Public Works, 268 U.S. 39 (1925); Baltimore & O. R.R. Co. v. United States, 264 U.S. 258 (1924).

Thus, the Commission in ordering ABW and WMA to serve the Route Extensions has violated the substantive due process rights of Transit and in ordering such service upon the procedures followed and the evidence in the record, has deprived Transit of procedural due process.

#### CONCLUSION

For the reasons stated above, it is respectfully submitted:

- (1) That Order No. 603 be set aside; and
- (2) That Order No. 581 be set aside and the "route authorizations" issued pursuant thereto, be held invalid; and

(3) That Transit have such other and further relief as to this Court may seem just and proper.

Respectfully submitted,

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August 23, 1966

APPENDIX A

STATUTES INVOLVED

I

Sections 4(a), 4(d)(1) and 4(e),  
Article XII, Title II,  
Washington Metropolitan Area Transit  
Regulation Compact, Public Law 86-794,  
74 Stat. 1031 (1960)

4. (a) No person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation; provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the effective date of this Act. Pending the determination of any such application, the continuance of such operation shall be lawful.

\* \* \*

4. (d)(1) Any certificate issued by the Commission shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which, the carrier is authorized to operate.

\* \* \*

4. (e) The Commission may, if it finds that the public convenience and necessity so require, require any person subject to this Act to extend any existing service or provide any additional service over additional routes within the Metropolitan District; provided, however, that no certificate shall be issued to operate over the routes of any holder of a certificate until it shall be proved to the



satisfaction of the Commission, after hearing, upon reasonable notice, that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience; and provided, further, if the Commission shall be of opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to operate over such route; and further provided that no person subject to this Act may be required to extend any existing service or provide any additional service over additional routes within the Metropolitan District unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to this Act.

## II

Pertinent part of Section 17(a)  
Article XII, Title II,  
Washington Metropolitan Area Transit  
Regulation Compact, Public Law 86-794,  
74 Stat. 1031 (1960)

17. (a) Any party to a proceeding under this Act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the court of appeals of the United States for the fourth circuit, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty (60) days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall forthwith be served upon any member of the Commission and thereupon the Commission shall certify and file with the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive.

### III

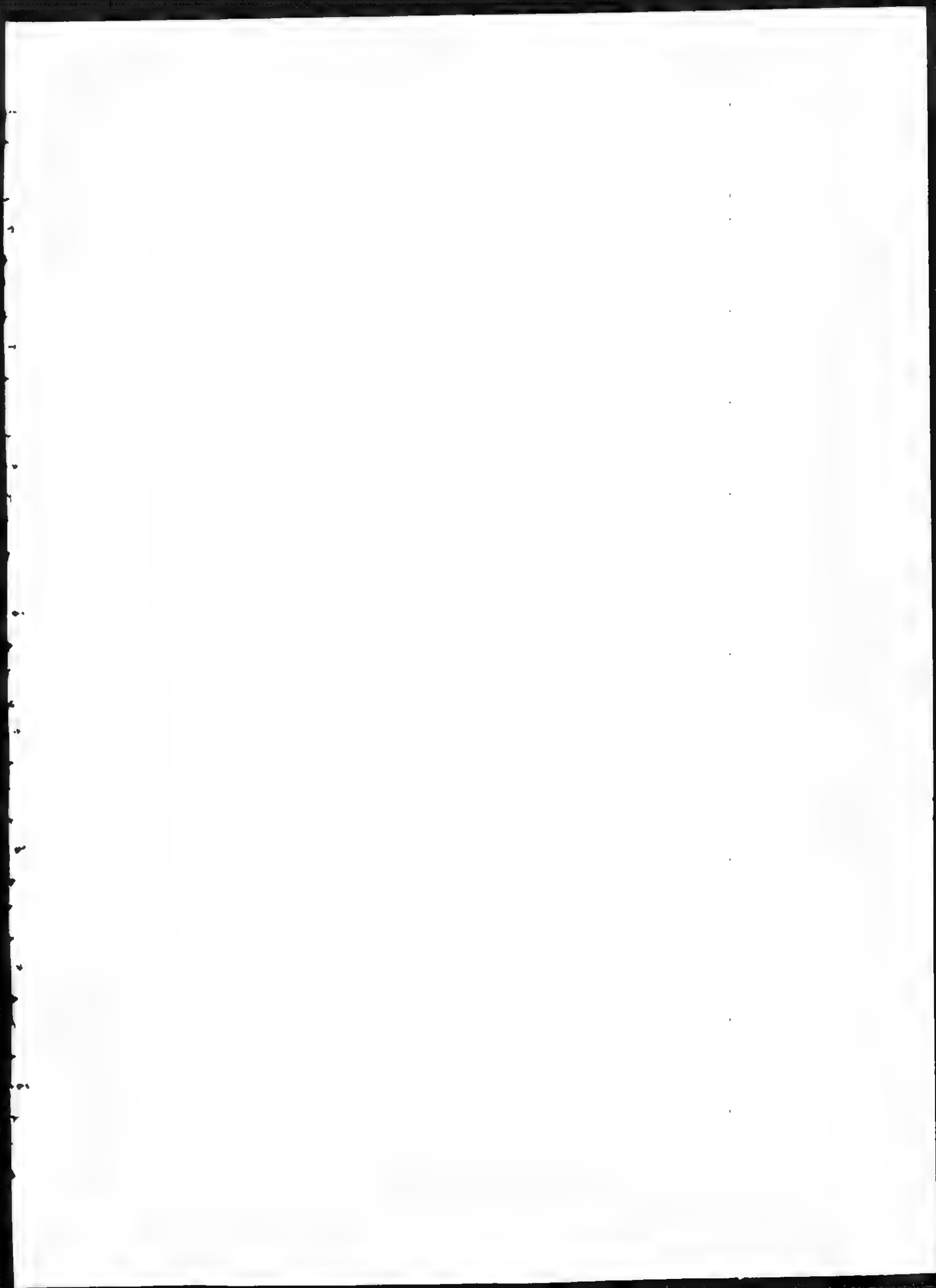
Section 3, Title I, Public Law 84-757,  
70 Stat. 598 (1956)

Sec. 3. No competitive street railway or bus line, that is, bus or railway line for the transportation of passengers of the character which runs over a given route on a fixed schedule, shall be established to operate in the District of Columbia without the prior issuance of a certificate by the Public Utilities Commission of the District of Columbia (referred to in this part as the "Commission") to the effect that the competitive line is necessary for the convenience of the public.

CERTIFICATE OF SERVICE

A copy of the foregoing Brief has been served by hand upon Russell W. Cunningham, Esquire, General Counsel, Washington Metropolitan Area Transit Commission, 1815 North Fort Myer Drive, Arlington, Virginia, and upon Stanley Kamerow, Esquire, attorney for Intervenor, 1025 Vermont Avenue, N. W., Washington, D. C., this 26th day of August, 1966.

Manuel J. Davis



Reply Brief for Petitioner

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 20,188

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D. C. TRANSIT SYSTEM, INC.,

Petitioner,

v.

WASHINGTON METROPOLITAN AREA  
TRANSIT COMMISSION,

Respondent,

W. M. A. TRANSIT COMPANY,

Intervenor.

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PETITION TO REVIEW ORDERS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

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United States Court of Appeals  
for the District of Columbia Circuit

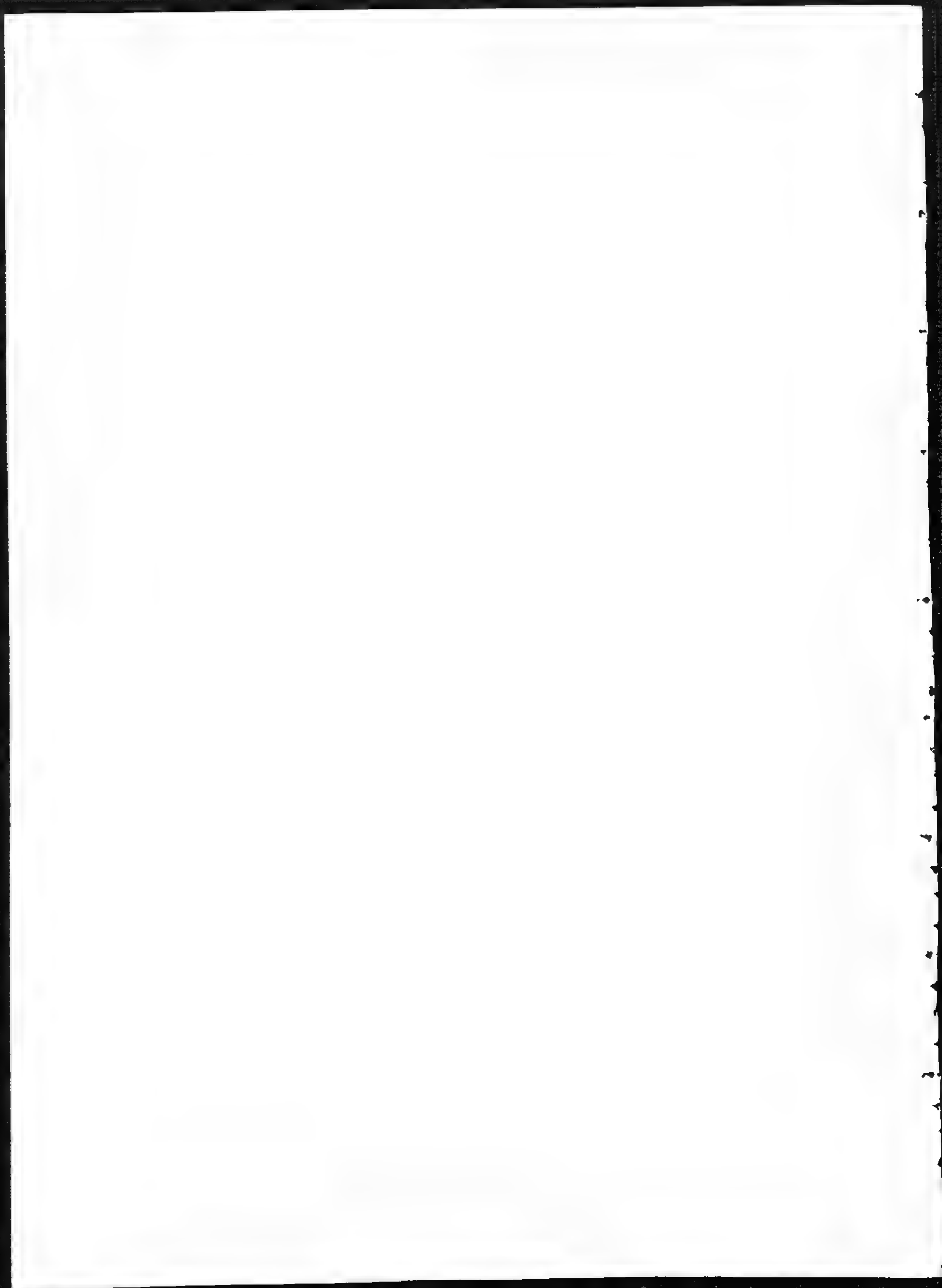
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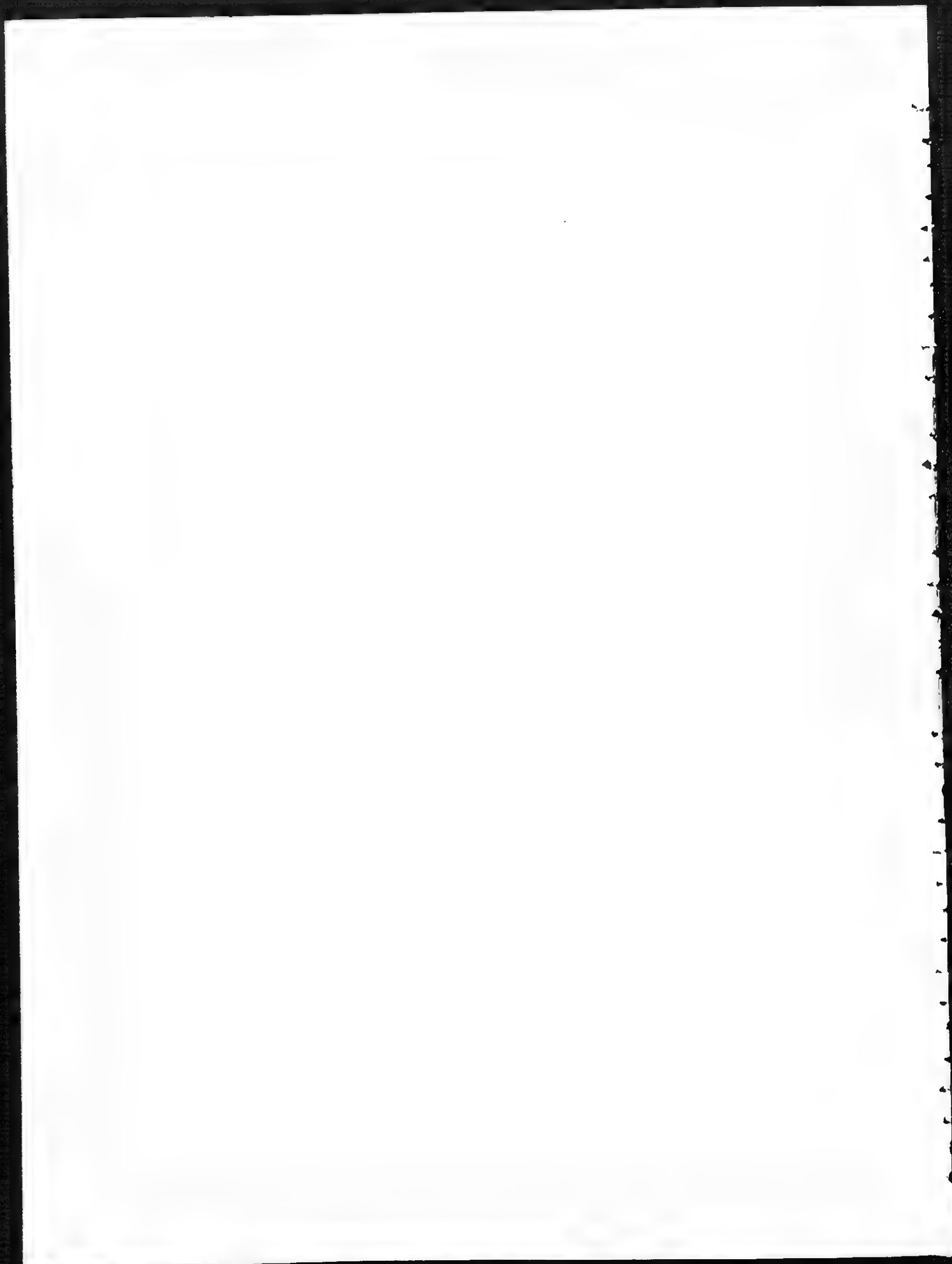
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PETITION TO REVIEW ORDERS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

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REPLY BRIEF FOR PETITIONER

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(iii)

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\* Cases or authorities chiefly relied upon are  
marked by asterisks.



* Public Utils. Comm'n Order No. 3916, September 4, 1952, <u>aff'd sub nom.</u> <u>Oriole Motor Coach Co. v. Public</u> <u>Utils. Comm'n</u> , 111 F. Supp. 621 (D. D.C. 1953) -----	5-7, 17
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### PRELIMINARY STATEMENT

This Reply Brief is submitted by Petitioner, D. C. Transit System, Inc. ("Transit") in response to the Briefs submitted by Respondent, Washington Metropolitan Area Transit Commission ("Commission") and Intervenor, W.M.A. Transit Company ("WMA").\*

The Briefs of the Commission and of WMA are directed toward Points I, III, IV and V of Transit's Brief. In these points Transit presents the reasons why it believes that ABW and WMA do not have authority to serve the Route Extensions (Point I); that the Route Extensions are competitive with service rendered by Transit, hence requiring a finding of the public convenience and necessity thereof in compliance with Transit's Franchise (Point III); and that the orders under review are not supported by substantial admissible evidence in the record (Points IV and V). Transit will show in this Reply Brief that its positions on these points have not been refuted.

As to Points II and VI of Transit's Brief, neither the Commission nor WMA made any substantive response on the merits and, accordingly, nothing substantive on these points need be said herein.

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\* The defined terms herein shall have the same meaning as they have in Transit's Brief.

## ARGUMENT

### I

NEITHER THE COMMISSION NOR WMA HAS  
REFUTED TRANSIT'S POSITION THAT ABW  
AND WMA DO NOT HAVE AUTHORITY TO  
SERVE THE ROUTE EXTENSIONS

In its Brief in this proceeding, Transit shows that ABW and WMA do not have authority to serve the Route Extensions (Transit Brief, pp. 10-21). Neither the Commission nor WMA has refuted this position.

- A. Neither the Commission nor WMA  
has refuted Transit's position  
that ABW and WMA could not serve  
the Route Extensions under the  
authority derived from their  
ICC certificates

In its Brief in this proceeding, Transit shows that ABW and WMA could not serve the Route Extensions under the authority derived from their ICC certificates (Transit Brief, pp. 10-12). In attempting to meet Transit's arguments, the Commission claims that the ICC certificates of ABW and WMA did not include any restrictions on the rights of ABW and WMA to serve any area in Washington, D. C. in interstate transportation (Commission Brief, p. 8). Consequently, the Commission takes the view that those carriers were authorized to transport passengers in interstate transportation to any point in the District, subject to local traffic and routing regulations imposed by the PUC in its orders (Ibid.). The Commission claims that the PUC could change routings in the "public interest", without issuance of a certificate to the effect that the change was necessary for the public convenience (Commission Brief, pp. 8-9). The Commission then asserts that

its "route authorizations"\* serve the same functions as the PUC orders and that the Commission follows the PUC practice in authorizing ABW and WMA to serve any point in the District without amending their respective certificates of public convenience and necessity or issuing new certificates (Commission Brief, pp. 8-9, 12).

The Commission's view of the scope of the ICC certificates issued to ABW and WMA and of the PUC's power to designate the routes to be followed is inconsistent with the very PUC Order upon which the Commission relies. It is directly contradicted by PUC holdings in factual situations and proceedings identical to the present one, that ICC certificates to serve "Washington, D.C." do not grant authority to serve any point or go over any

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\* The Commission, at page 6 of its Brief, refers to its practice of directing service by Transit within the District by means of "route authorizations" and notes a recent application of Transit to extend its Route B-2. Presumably, this is an attempt to meet Transit's arguments, in Point II of its Brief, that the Commission may not avoid compliance with the provisions of the Compact by ordering ABW and WMA to serve the Route Extensions by means of "route authorizations" (Transit Brief, pp. 21-26). However, the Commission's argument is irrelevant because Congress, in enacting the Franchise, granted Transit the absolute right to serve the District so that no additional certificate of public convenience and necessity, nor a showing thereof, is necessary to route Transit vehicles over streets and to areas of the District. The Commission's argument is also clearly erroneous because the record is clear that all material changes in routes and services of ABW and WMA which have been authorized have been made only after a hearing on, and a finding of, public convenience and necessity (Transit Brief, p. 22).

The reference to Transit's application to extend its Route B-2 is misleading. The extension sought was merely to serve the D. C. General Hospital. The Hospital had requested such service from Transit in order to better serve the patients and visitors. The extension was in part within the grounds of the Hospital, was minimal in length and affected no other carrier (Transit Application No. 385, August 10, 1966, Commission Route Authorization, No. 6-66, August 17, 1966).



route in the District. See infra, pp. 5-7. The Commission's view is also contradicted by the holdings of the United States District Court for the District of Columbia. See infra, pp. 5, 7.

As it did in Order No. 581, p. 5, the Commission again relies on PUC Order No. 4158, dated January 28, 1955 (Ex. 87)\* which, the Commission claims, "held that a certificate of public convenience and necessity was not required [for an extension of a WMA route in the District] under Section 4 of the Merger Act" (Commission Brief, p. 9). The claim by the Commission in its Brief is just as erroneous as it was in Order No. 581. Under the then applicable law, Section 4 of the Merger Act, Section 44-201, D.C. Code (1951), public convenience and necessity had to be found by the PUC only in the event that a new route was competitive with routes of an existing carrier. In PUC Order No. 4158,\*\* the PUC held that the new routes were not competitive with the routes of Transit's predecessor. The PUC then found that, if the new routes were competitive, public convenience and necessity had to be found and was, in fact, present and the Order would constitute a certificate to that effect.\*\*\*

In Capital Transit Company v. Riley E. Elgen, Civil Action No. 971, D. D.C., January 19, 1939, the Court found that a proposed extension of routes by a carrier from its then terminal

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\* WMA also relies upon Order No. 4158 (WMA Brief, p. 4). (Though WMA refers to an Order No. 4135, it is apparent that the intended reference is to Order No. 4158).

\*\* The reference by the Commission to specific PUC Orders at p. 9, n. 11 and p. 12, n. 15 of its Brief is without probative force because those Orders indicate that the proposed changes in routes were not opposed and that compliance with Section 4 of the Merger Act, supra, was not in issue.

\*\*\* The PUC so held also in Order No. 3682, dated June 14, 1950 (Ex. 87), upon which WMA also relies (WMA Brief, pp. 3-4).

in Virginia to points in downtown Washington was competitive with service of Transit's predecessor.\* The Court then held that before the proposed operation could lawfully be conducted, the carrier was required to secure not merely an ICC certificate of public convenience and necessity authorizing service to the District, but also a certificate of public convenience and necessity from the PUC under Section 4 of the Merger Act, supra, to operate within the District.

In PUC Formal Case No. 376, Anchorage Transportation, Inc. applied for authority to bring its suburban passengers to downtown Washington by moving its terminal from its then location in the District to a point in downtown Washington. Anchorage did not seek a certificate of public convenience and necessity pursuant to Section 4 of the Merger Act, supra, contending that the proposed service was authorized by its ICC certificates of public convenience and necessity. In Order No. 3368, dated April 26, 1948, the PUC denied Anchorage's application. The PUC found that the proposed extension was competitive with service rendered by Transit's predecessor,\*\* that a certificate of public convenience and necessity under Section 4 of the Merger Act, supra, was therefore required, and that Anchorage's excuse for failing to seek such a certificate, on the ground that its ICC certificate authorized service to any point in the District, was invalid.

In PUC Formal Case No. 416, aff'd sub nom. Oriole Motor

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\* The Court found that the proposed service would be competitive with service of Transit's predecessor, even though the proposed service would be an interstate operation. See infra, pp. 15-19.

\*\* The PUC found that the proposed service would be competitive with service of Transit's predecessor, even though the proposed service would be an interstate operation. See infra, pp. 15-19.

Coach Co. v. Public Utils. Comm'n, 111 F.Supp. 621 (D. D.C. 1953), Oriole Motor Coach Lines, Inc., applied for authority to extend its bus operations from its then terminal in the District to a point in downtown Washington. Oriole operated from Maryland to the District under an ICC certificate authorizing transportation between "Sandy Spring, Maryland, and Washington, D.C., and between Washington, D.C., and College Park, Maryland". 111 F.Supp. at 622. Oriole sought the extension so that passengers boarding its busses in Maryland could be transported to downtown Washington without being required to transfer to a vehicle of Transit's predecessor (Ibid.).

Oriole attempted to justify to the PUC its failure to seek a certificate of public convenience and necessity under Section 4 of the Merger Act, supra, on the ground that it had "unrestricted authority from the Interstate Commerce Commission to serve all points and places in the District . . . , subject to the designation of the particular streets and highways within the District . . . by the Public Utilities Commission of the District . . . ." PUC Order No. 3916, dated September 4, 1952, p. 2. In Order No. 3916, supra, the PUC denied Oriole's application. It found that the proposed extension was competitive with service rendered by Transit's predecessor,\* that a certificate of public convenience and necessity under Section 4 of the Merger Act, supra, was therefore required, and that Oriole's excuse for failing to seek such a certificate, on the ground that its ICC certificate

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\* The PUC found that the proposed service would be competitive with service of Transit's predecessor, even though the proposed service would be an interstate operation. See infra, pp. 15-19.

authorized service to any point in the District, was invalid.

On appeal, the District Court rejected Oriole's claim that Section 4 of the Merger Act, supra, was limited to intrastate operations. 111 F. Supp. at 622. The District Court affirmed the PUC's holding that the proposed extension was competitive with service rendered by Transit's predecessor,\* and that Oriole did not have the authority to render the proposed service without a certificate of public convenience and necessity under Section 4 of the Merger Act, supra (Ibid.).

It is hardly necessary to draw the parallel between the foregoing cases and this proceeding. Clearly the Commission's claim that the PUC had authority to route carriers operating under ICC authority to any area and over any routes or streets in the District without holding hearings on and making findings of public convenience and necessity is directly contradicted by holdings of the PUC and the District Court for the District of Columbia. Consequently, the Commission cannot justify its procedures and the action taken pursuant thereto by claiming that it assumed the authority of the PUC since the PUC did not have, nor did it claim to have, such authority.

The foregoing makes it clear that, prior to the effective date of the Compact, neither ABW nor WMA had the authority under their ICC certificates to serve the District on an area-wide basis or on any street in the District. Neither ABW nor WMA could have served the Route Extensions under the authority derived from

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\* The Court found that the proposed service would be competitive with service of Transit's predecessor, even though the proposed service would be an interstate operation. See infra, pp. 15-19.

their ICC certificates of public convenience and necessity because a certificate of public convenience and necessity under Section 4 of the Merger Act, supra, would have been required. Accordingly the ICC certificates cannot be held to be the basis for the alleged authority to serve the Route Extensions pursuant to the "grandfather certificates".

B. Neither the Commission nor WMA has refuted Transit's position that the "grandfather certificates" issued by the Commission do not authorize ABW and WMA to serve the Route Extensions

In its Brief in this proceeding, Transit shows that, even if the ICC certificates of ABW and WMA were deemed to have authorized them to serve the Route Extensions, the "grandfather certificates" issued by the Commission do not authorize such service (Transit Brief, pp. 12-21). In attempting to meet Transit's arguments, the Commission states in its Brief that, in its construction of the scope of the "grandfather certificates" in this proceeding, it considered the "actual language of the certificates themselves and the circumstances surrounding their issuance" (Commission Brief, pp. 3, 7).

The "circumstances" to which the Commission refers in its Brief deal solely with the prior practice of the ICC and the PUC in authorizing service to be rendered. As shown in Transit's Brief, pp. 12-14, the ICC practice in not designating specific streets in the District is immaterial since the Commission succeeded to the authority of the local regulatory agency (the PUC) as well as to that of the ICC. As indicated above (see pp. 4-7,



supra), the prior practice of the PUC conclusively establishes that ABW and WMA would not have been held to have authority to serve the Route Extensions without a certificate of public convenience and necessity. Oriole Motor Coach Co. v. Public Utils. Comm'n, supra, 111 F. Supp. 621.

The Commission then relies upon its statement that the basis of the "grandfather certificates" of ABW and WMA was their pre-Compact authorities, including the PUC authority over intra-District operations (Commission Brief, pp. 7-8). However, this statement reinforces Transit's position that these "grandfather certificates" incorporate by reference both their respective ICC authorities and the PUC restrictions thereon (Transit Brief, pp. 12-14).\*

In its construction of the scope of the "grandfather certificates", the Commission arbitrarily failed to consider the following "circumstances" which conclusively establish that its construction is clearly erroneous:

- (1) Section 4(a) of the Compact limits the authority granted to ABW and WMA by the "grandfather certificates" to the operations "bona fide engaged" in on the effective date of the Compact (Transit Brief, pp. 14-17).
- (2) The Supreme Court of the United States, this Court, and substantial other authority, have repeatedly held that "bona fide" engagement in transportation for the purpose of "grandfather clauses" similar to that in Section 4(a) of the Compact requires proof of "actual, real, physical, substantial ... [service], and not merely a proposed or offered

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\* For this reason, the Commission's conclusion to the contrary in Order No. 581 does not rationally follow from the Commission's statements in that Order and upon this basis alone Order No. 581 cannot be sustained. Northeast Airlines, Inc. v. CAB, 331 F.2d 579 (1st Cir. 1964).

one...." Nashua Motor Express, Inc. v. United States, 230 F.Supp. 646, 650-51 (D. N.H. 1964).\*

- (3) Neither ABW nor WMA provided service over the Route Extensions or to the area served thereby on the effective date of the Compact (Transit Brief, p. 14).
- (4) The applications for "grandfather certificates" filed with the Commission pursuant to Section 4(a) of the Compact sought only "continuance of operations being conducted on the effective date of the Compact" (Ex. 88).
- (5) Commission Order No. 367 (Ex. 88) under which the "grandfather certificates" were issued specifically limited the grant of authority to operations "bona fide engaged" in.

The Commission, having arbitrarily failed to consider these "circumstances", attempts to bar Transit from relying upon them in this proceeding by claiming that Transit is collaterally attacking Commission Order No. 367 (Ex. 88) pursuant to which the "grandfather certificates" were issued, and the "grandfather certificates" themselves (Commission Brief, p. 13). This attempt is blatantly unfair because the Commission states in Order No. 581, p. 3, that "it is necessary [in its construction of the grandfather certificates] to consider the circumstances surrounding their issuance." The Commission having found it "necessary to consider" some of those "circumstances", in an attempt to support its construction, may not bar Transit from referring to other "circumstances" which conclusively establish that the Commission's

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\* See cases cited in Note, p. 15, Transit Brief.

construction is clearly erroneous.\*

The claim that Transit is making a collateral attack is, in any event, without foundation. The Commission argues that such an attack is made by Transit's contention that the "grandfather certificates" authorize only those operations actually engaged in upon the effective date of the Compact because this contention "[concedes], sub silentio, that the A.B. & W. and WMA certificates purport to grant the right to provide interstate service to any point in the City" (Commission Brief, p. 13). However, Transit does not "concede", and has never conceded, that the "grandfather certificates" of ABW and WMA grant these carriers the right to provide interstate service to any point in the District. The claim by the Commission that Transit is collaterally attacking either Commission Order No. 367 or the "grandfather certificates"

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\* The Commission also refers to the statement of the Court in D. C. Transit System, Inc. v. Washington Metropolitan Area Transit Comm'n, No. 10,503, 4th Cir., September 14, 1966, "that the Commission is the final interpreter of its own orders .....", for which the court relied upon Nelson Inc. v. United States, 355 U.S. 554, 557-58 (1958) (Commission Brief, p. 12). However, this reference is to no avail. The Supreme Court in Nelson also stated that the Commission's construction is controlling only if not "clearly erroneous". 355 U.S. at 558. As Transit has demonstrated in its Brief and in this Reply, the Commission's construction of the "grandfather certificates" of ABW and WMA is clearly erroneous (Transit Brief, pp. 10-21; see pp. 8-10, supra), and therefore cannot be sustained. Nelson Inc. v. United States, supra, 355 U.S. at 558.

is completely without basis.\*

Transit takes the position that the "grandfather certificates", as issued by the Commission, do not authorize service over the Route Extensions by virtue of Section 4(a) of the Compact, the decisions of the Supreme Court of the United States, this Court, and substantial other authority\*\* construing "grandfather clauses", the applications of the carriers for such certificates and Commission Order No. 367 (Ex. 88) pursuant to which they were issued.\*\*\* Thus it is not Transit but the Commission and WMA who are making a collateral attack upon Order No. 367 by alleging that it does

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\* The Commission also misconstrues the argument at pp. 18-21 of Transit's Brief by claiming that "Transit seeks a reformation of the certificates." (Commission Brief, p. 13). Transit seeks no reformation, nor does Transit seek to have Order No. 581 and the "route authorizations" "'voided' because of 'invalid' certificates." (Commission Brief, p. 13, n. 16). Transit merely maintains that if the "grandfather certificates" were to be construed as the Commission is attempting to do they would be invalid by virtue of Section 4(d)(1) of the Compact.

The Commission further attempts to meet Transit's argument at pp. 18-21 of its Brief by referring to ICC practice in not designating specific streets in a metropolitan area and to the fact that the language of the statute applicable to the ICC practice and that of Section 4(d)(1) of the Compact are the same (Commission Brief, pp. 10-11). This attempt is ineffective because the ICC could rely on the local regulatory agency to designate specific streets within a metropolitan area whereas the Commission, having succeeded to the jurisdiction of both the ICC and the local regulatory agency, the PUC, cannot do so (Transit Brief, pp. 18-21).

\*\* See cases cited in Note, p. 15, Transit Brief.

\*\*\* Transit was clearly entitled to rely upon these circumstances when the "grandfather certificates" were issued to sustain its belief that the authority granted thereby was limited to service rendered upon the effective date of the Compact. Therefore, WMA's attempt to bar Transit from asserting that belief now for failure to have done so at the time of issuance of the "grandfather certificates", cannot be sustained (WMA Brief, pp. 6-7).

not mean what it says when it limited the "grandfather certificates" to operations "bona fide engaged" in on the effective date of the Compact, and upon the "grandfather certificates" by claiming that they provide authority additional to that granted when they were issued.\*

C. Conclusion

The Commission's construction of the "grandfather certificates" of ABW and WMA is a question of law. Neither the Brief of the Commission nor that of WMA has refuted Transit's showing that the Commission's construction of those certificates to authorize ABW and WMA to serve the Route Extensions is clearly erroneous (Transit Brief, pp. 10-21).

The Commission excuses its failure to comply with the provisions of Section 4(e) of the Compact and Section 3 of Transit's Franchise by its erroneous construction of the "grandfather certificates". However, compliance with both these Sections was required. Section 4(e) of the Compact constitutes the sole authority of the Commission to order ABW and WMA to serve the Route Extensions and the evidence shows that the Route Extensions are competitive with Transit so as to necessitate compliance with Section 3 of the Franchise (See Transit Brief, pp. 21-30, see infra, pp. 15-19).

There is no valid justification for the Commission to have failed to comply with Section 4(e) of the Compact and Section 3 of the Franchise. If the Route Extensions were, in fact, required

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\* Accordingly, the cases upon which the Commission relies to support its argument, including D. C. Transit System, Inc. v. Washington Metropolitan Area Transit Comm'n, supra, are inapposite.



by the public convenience and necessity to serve new population centers in the District,\* Section 4(c) of the Compact and Section 3 of the Franchise not only provide the Commission with adequate authority to establish such service, but were intended for that purpose. The purpose of the "grandfather clause" of Section 4(a) of the Compact is not to serve the public convenience but rather to benefit "carriers who had been in bona fide operation on and prior to the 'grandfather' date...." Loving v. United States, 32 F. Supp. 464, 467 (W.D. Okla. 1940), aff'd mem. 310 U.S. 609 (1940).

This does not mean that, under no circumstances, could the Commission order service over the Route Extensions. What it does mean is that for such an order to be valid, the Commission must comply with the law which is the source of its authority and the provisions thereof intended to protect Transit's rights in the present situation. The failure of the Commission to so comply appropriates powers beyond those which it has been granted and disregards the statutory provisions\*\* designed to protect Transit's lawful rights.\*\*\* Consequently, the order of the Commission requiring ABW and WMA to serve the Route Extensions cannot

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\* Transit maintains that the evidence does not show the Route Extensions to be so required.

\*\* The Commission, at pp. 18-19 of its Brief, apparently attempts to meet Transit's contention that under the Compact, Transit is entitled to an opportunity to remedy any alleged inadequacy in service found by the Commission. However, the attempt is ineffective (see Transit Brief, pp. 24-25).

\*\*\* It does "violence to institutions and relations we hold equally dear, the continued efficient functioning of which has far greater long-run importance . . . than the special relief here sought". Hon. Henry J. Friendly, writing for the Court in People v. Galamison, 342 F.2d 255, 259 (2d Cir. 1965), cert. denied, 380 U.S. 977 (1965).

be sustained.

## II

TRANSIT'S POSITION THAT THE ROUTE  
EXTENSIONS ARE COMPETITIVE WITH  
SERVICE BEING RENDERED BY TRANSIT  
AND MAY NOT BE AUTHORIZED WITHOUT  
COMPLIANCE WITH TRANSIT'S FRANCHISE  
HAS NOT BEEN REFUTED

Transit shows in its Brief in this proceeding that the Route Extensions are competitive with service being rendered by Transit and therefore the Commission may not order ABW and WMA to serve the Route Extensions without a finding of the public convenience and necessity thereof as required by the Franchise (Transit Brief, pp. 26-30).

The Commission and WMA attempt to meet this showing by first alleging that service by ABW and WMA over the Route Extensions would not be competitive with Transit because ABW and WMA render interstate service and Transit renders intrastate service (i.e., within the District). (Commission Brief, p. 18; WMA Brief, pp. 2-3). It is then alleged by the Commission that Transit's estimate of its potential fare loss is erroneous (Commission Brief, pp. 17-18).\*

Both grounds are invalid. The PUC and the District Court for the District of Columbia have so held in factual situations and proceedings identical to the present one.

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\* The Commission's statement at p. 18, n. 19 of its Brief, regarding the number of interline passengers carried by Transit in July 1966 would appear improper because it testifies to events subsequent to the certification and filing by the Commission of the record upon which the Orders under review were issued, Section 17(a) of the Compact, obviously without subjecting such testimony to cross-examination or placing it in the context of all the relevant facts. In any event, it is without probative force. See infra, pp. 16-17.

In PUC Formal Case No. 376, supra, the applicant

"contended that since it does not seek authority to pick up a person in the District and discharge the same person in the District on the same trip, there is no foundation for the position that the proceeding involves a request for a certificate to engage in competitive operations with any carrier engaged in transportation of persons in intra-District operations." (PUC Order No. 3368, supra, at p. 2).

The PUC overruled this contention, stating that:

"A great majority of the passengers discharged at ... [the applicant's] terminal within the District ... now uses the street cars or busses of Capital Transit Company. Many who board its vehicles in the District use street cars or busses of Capital Transit Company to reach the terminal. The extension of the line as proposed would follow streets now served by Capital Transit Company and would parallel other lines of the said Company, and, in the opinion of the Commission, would establish a bus route competitive with bus and street car lines of Capital Transit." (PUC Order No. 3368, supra, at pp. 4-5).

In Oriole Motor Coach Co. v. Public Utils. Comm'n, supra, affirming PUC Order No. 3916, supra, the Court, as already noted, (see p. 7, supra), rejected the argument that Section 4 of the Merger Act, supra, was limited to intrastate operations. In so holding, the Court stated that:

"The unequivocal language of the statute is sufficiently comprehensive to cover all kinds of operations of a competitive bus line, be they intrastate or interstate." 111 F.Supp. at 622.

In Capital Transit Company v. Riley E. Elgen, supra, the Court found that the proposed operation in the District would divert traffic from Transit's predecessor, resulting in a net annual revenue loss of only \$20,000, less than one-sixth of the minimum annual projected loss in this proceeding. However, the Court held that such loss "would work irreparable injury, loss and damage" to Transit's

predecessor and, consequently, was competitive with the service of Transit's predecessor within the meaning of Section 4 of the Merger Act, supra.

In Formal Case No. 416, aff'd sub nom. Oriole Motor Coach Co. v. Public Utils. Comm'n, supra, the annual loss estimated by Transit's predecessor was less than even the minimum annual projected loss in this proceeding. Order No. 3916, supra, p. 3. The PUC stated that there was little likelihood that even this potential loss would result from the three trips per day Oriole proposed to make to downtown Washington (Id. at p. 4). However, the PUC ruled that the extensions proposed in that case would be competitive with the routes of Transit's predecessor, stating that the applicant apparently would seek to install and operate many schedules if there should be a demand therefor (Ibid.).<sup>\*</sup> In so holding, the PUC relied upon Capital Transit Company v. Riley E. Elgen, supra, and PUC Order No. 3368, supra (Ibid.).

It is scarcely necessary to draw the parallel between the foregoing cases and this proceeding. The operations proposed in those cases were identical in nature to the Route Extensions, were interstate in character and would have resulted in losses to Transit's predecessor less severe than even the minimum projected loss in this proceeding. Under Section 4 of the Merger Act, supra, the PUC and the District Court for the District of Columbia held the proposed operations to be competitive with Transit's predecessor.

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<sup>\*</sup> See Transit Brief, p. 36 and Tr. 670.

In enacting the Franchise, Congress followed, almost word for word, the language of Section 4 of the Merger Act, supra, in the provisions of Section 3 of the Franchise which were to protect Transit from competitive service. It is axiomatic that in doing so, Congress ratified the decisions of the PUC\* and court decisions which defined the scope of the protection afforded by Section 4 of the Merger Act, supra. Helvering v. R. J. Reynolds Tobacco Co., 306 U.S. 110, 114-15 (1939). Accordingly, the finding of the Commission in Order No. 581 that the Route Extensions are not competitive with service rendered by Transit within the meaning of Section 3 of the Franchise is clearly in error and cannot be sustained. Unemployment Compensation Comm'n v. Aragon, 329 U.S. 143 (1946).

The Commission did not attempt to reinterpret the scope of the protective provisions of Section 4 of the Merger Act, supra, or of Section 3 of the Franchise because it agrees that Section 3 of the Franchise is almost identical to Section 4 of the Merger Act, supra, and purports to follow the practice of the PUC under the latter statute (Order No. 581, p. 5). Accordingly, the finding of the Commission in Order No. 581 that the Route Extensions are not competitive with service rendered by Transit does not rationally follow from the statements in that Order and, for this reason also, cannot be sustained. Northeast Airlines, Inc. v. CAB, supra, 331 F.2d 579.

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\* It is fundamental that the construction of Section 4 of the Merger Act, supra, by the PUC, the agency with primary responsibility for the administration thereof, is entitled to great weight. Johnson v. Britton, 290 F.2d 355, 359 (D.C. Cir. 1961), cert. denied 368 U.S. 859 (1961).



Consequently, it is clear that the Route Extensions are competitive with service rendered by Transit, and therefore the Commission may not order ABW and WMA to serve the Route Extensions without a finding of the public convenience and necessity thereof as required by the Franchise.

### III

TRANSIT'S POSITION THAT THE ORDERS  
REQUIRING ABW AND WMA TO SERVE THE  
ROUTE EXTENSIONS ARE NOT SUPPORTED  
BY SUBSTANTIAL ADMISSIBLE EVIDENCE  
IN THE RECORD HAS NOT BEEN REFUTED

The Briefs of the Commission and of WMA are, in substance, no more than restatements of the propositions contained in Order No. 581, and do not meet or refute the arguments presented by Transit in its Brief showing that the orders requiring ABW and WMA to serve the Route Extensions are not supported by substantial admissible evidence in the record (Transit Brief, pp. 30-45).

The Briefs of the Commission and WMA do not show how the Commission's conclusion that the Route Extensions would serve at an absolute minimum an additional 1,400 passengers of ABW and WMA (12% of the passengers surveyed), can be sustained in the face of the retreat by the Commission's chief witness from the attempt to serve that number of passengers to an attempt to serve a theoretical maximum of 450 passengers a day (Transit Brief,

pp. 35-6).\* The Briefs of the Commission and WMA do not show how the Commission's conclusion that direct through service will be provided to a substantial number of ABW and WMA passengers\*\* can be sustained in the face of a clear demonstration in the record that unless every single route of ABW and WMA were extended, the Route Extensions would merely shift the transfer point rather than providing direct through service (Transit Brief, p. 36).

Finally, the Brief of the Commission appears to attempt to put upon Transit the burden of proving that the Staff survey, and the report based thereon, were inadmissible (Commission Brief, pp. 20-21). However, Transit having made timely objection to the admission of the survey and the report based thereon, the burden was upon the Commission, as the proponent of the evidence, to establish

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\* The Commission's statement at p. 17, n. 18 of its Brief, regarding the extension of two ABW bus routes in addition to those proposed by its chief witness, (thus providing service for a theoretical maximum of 550 passengers), would appear improper because it testifies to events subsequent to the certification and filing by the Commission of the record upon which the Orders under review were issued, Section 17(a) of the Compact, obviously without subjecting such testimony to cross-examination or placing it in the context of all relevant facts. In any event, it is without probative force because of the conclusion in Order No. 581 that the Route Extensions would serve not less than 1,400 passengers.

\*\* Neither do the Briefs show how the Commission's setting of direct through service as the sole determinative factor in this proceeding can be upheld. The Commission makes no reference to E. Vanderhoff & Sons Extension, 52 M.C.C. 755 (1951), (Transit Brief, pp. 37-38). WMA attempts to distinguish Vanderhoff on the ground that it dealt with service for a "relatively small portion of the Public" (WMA Brief, p. 9). However, the Route Extensions would serve only 550 persons in the most favorable circumstances and, even on the Commission's own erroneous assumptions, could not serve more than 1,400 persons.

the admissibility thereof, Report of the Judicial Conference Study Group on Procedure in Protracted Litigation, 25 F.R.D. 351, 429-30 (1960), and the Commission has failed to meet that burden. The Brief of the Commission does not show how the admission of the Staff survey, and the report based thereon, the primary bases for the Commission's finding that the public interest will be served by the Route Extensions, can be sustained.\*

Consequently, the orders requiring ABW and WMA to serve the Route Extensions are not supported by substantial admissible evidence in the record and cannot be sustained.

#### CONCLUSION

For the reasons stated in Transit's Main Brief and herein, it is respectfully submitted:

- (1) That Order No. 603 be set aside; and

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\* The Commission's attempts to demonstrate the reliability of its survey are ineffective (Commission Brief, pp. 19-22). The survey did not even permit a determination of which bus route, if any, served a greater proportion of the passengers who might be benefited by the Route Extensions. The Commission's claim at p. 20 of its Brief that the nearest intersection to a passenger's home identifies the bus route which he takes is clearly erroneous because that route may not pass anywhere near his home. The Commission's further claim that a survey had to be employed to obtain the desired information obviously does not establish the proposition that the results of this survey should have been admitted into evidence or relied upon. Assuming that a survey was the only practical way to obtain the information sought, a reliable survey should have been used. See Report of the Judicial Conference Study Group on Procedure in Protracted Litigation, supra, 25 F.R.D. at 425-30. The Commission's remaining claims, such as they are, are equally ineffective.

- (2) That Order No. 531 be set aside and the "route authorizations" issued pursuant thereto, be held invalid; and
- (3) That Transit have such other and further relief as to this Court may seem just and proper.

Respectfully submitted,

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*Manuel J. Davis*

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October 21, 1966

CERTIFICATE OF SERVICE

A copy of the foregoing Reply Brief has been served by hand upon Russell W. Cunningham, Esquire, General Counsel, Washington Metropolitan Area Transit Commission, 1815 North Fort Myer Drive, Arlington, Virginia, and upon Stanley Kamerow, Esquire, attorney for Intervenor, 1025 Vermont Avenue, N. W., Washington, D. C., this 24th day of October, 1966. Printed copies of the Reply Brief will be filed with the Court and served upon the above counsel within ten days.

Manuel J. Davis



BRIEF FOR RESPONDENT

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 20,188

D. C. TRANSIT SYSTEM, INC.,

*Petitioner,*

v.

WASHINGTON METROPOLITAN AREA  
TRANSIT COMMISSION,

*Respondent,*

W.M.A. TRANSIT COMPANY,

*Intervenor.*

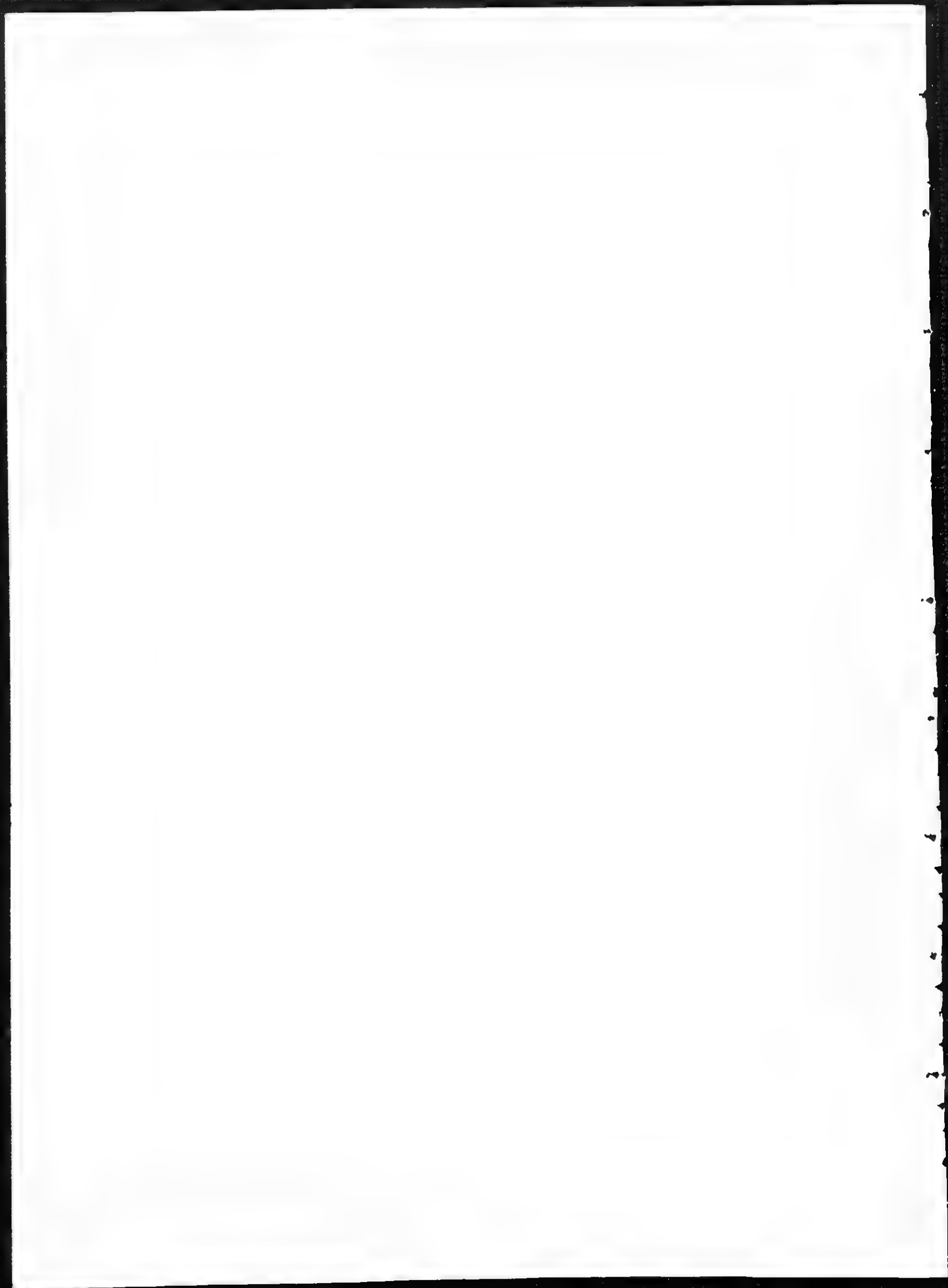
PETITION TO REVIEW ORDERS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

United States Court of Appeals  
for the District of Columbia Circuit

FILED SEP 14 1966

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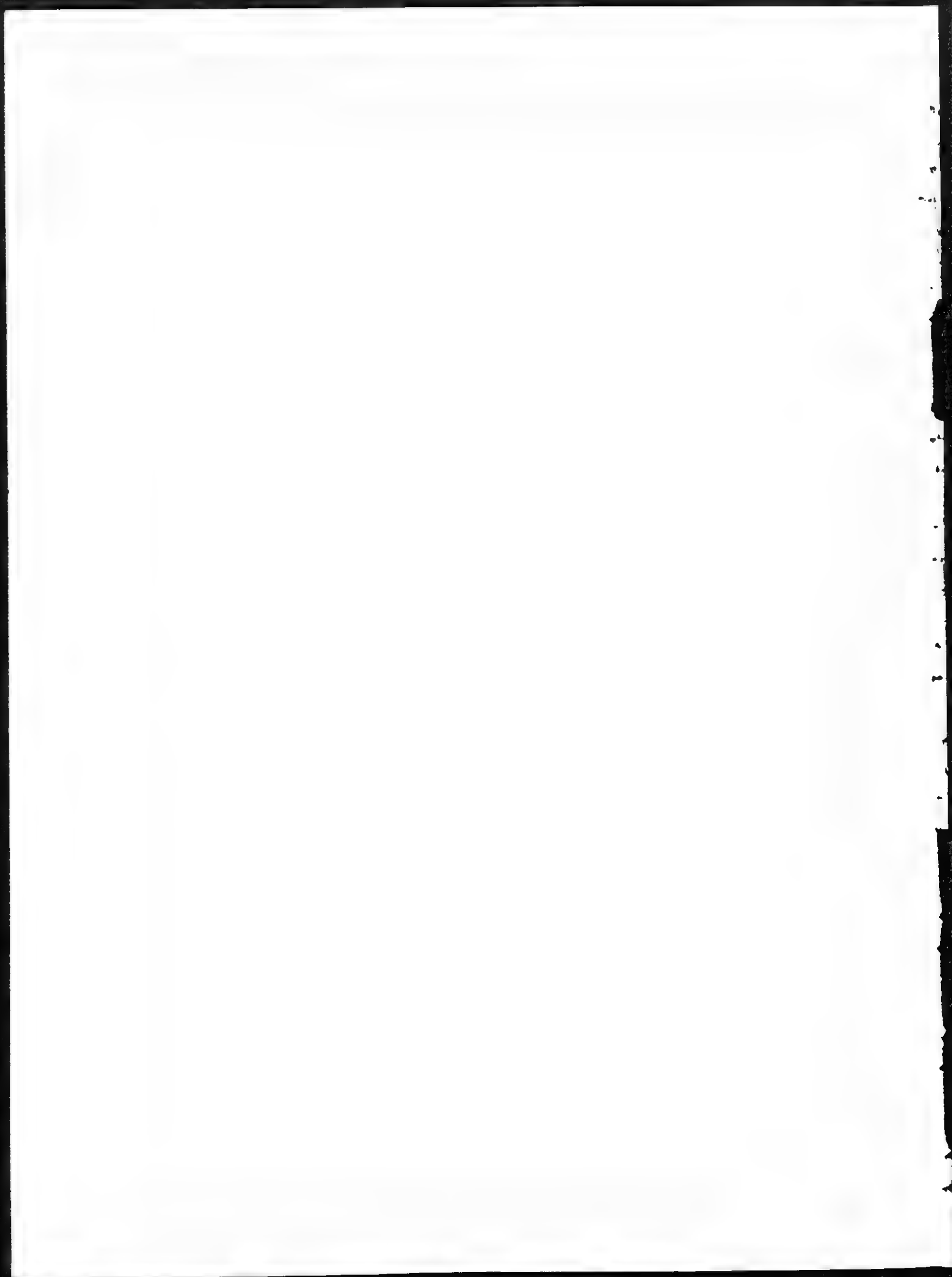
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(i)

### QUESTIONS PRESENTED

- I. Did the Commission err in holding that the existing certificates of public convenience and necessity of ABW and WMA authorize them to serve the Route Extensions which they were ordered to serve by the Commission?
- II. Did the Commission err in ordering ABW and WMA to serve the Route Extensions by means of "route authorizations" without compliance with Section 4(e) of the Compact?
- III. Did the Commission err in ordering ABW and WMA to serve the Route Extensions without compliance with Transit's Franchise?
- IV. Did the Commission err in receiving in evidence and relying upon the origin-destination survey of patrons of AMB and WMA conducted by the Commission's Staff?
- V. Did the Commission err in issuing orders requiring ABW and WMA to serve the Route Extensions in the absence of substantial evidence in the record to support such orders?
- VI. Did the Commission violate Transit's constitutional rights to substantive and procedural due process in issuing orders requiring ABW and WMA to serve the Route Extensions without complying with the Compact and with Transit's Franchise, without holding a full and fair hearing, and in the absence of substantial evidence in support thereof?



(iii)

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# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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NO. 20,188

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D. C. TRANSIT SYSTEM, INC.,

*Petitioner,*

v.

WASHINGTON METROPOLITAN AREA  
TRANSIT COMMISSION,

*Respondent,*

W.M.A. TRANSIT COMPANY,

*Intervenor.*

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PETITION TO REVIEW ORDERS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

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BRIEF FOR RESPONDENT

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## COUNTERSTATEMENT OF THE CASE

On May 25, 1965, by Order No. 482, the Washington Metropolitan Area Transit Commission ("Commission") ordered an investigation and hearing, based upon a recommendation of the Commission staff, to determine whether WMA Transit Company ("WMA") and A. B. & W. Transit

Company ("A. B. & W.") should be required to extend their interstate regular route, common carrier service in Washington, D. C.

The two carriers were made respondents to the proceeding and D. C. Transit System, Inc. ("Transit") and W. V. & M. Coach Company ("W. V. & M.") were permitted to intervene. The transcript consists of seven hundred twenty-one (721) pages of testimony and some one hundred nineteen (119) exhibits which were offered into evidence, some of which were multiple documents.

The staff presented the testimony of Mr. Charles W. Overhouse, Chief Engineer of the Commission; Mr. Paul W. Foreman, Defense Coordinator for the General Services Administration; Mr. William D. Heath, Executive Director, Motor Vehicle Parking Agency of the District of Columbia; Mr. Daniel J. Hansen, Deputy Director of Traffic Engineering and Operations for the D. C. Department of Highways and Traffic; and Mr. Edwin L. Kesler, a resident of North Springfield, Virginia.

A. B. & W. presented the testimony of Mr. Richard F. Lawson, its operations manager, and Mr. George R. Snider, a certified public accountant employed by A. B. & W. WMA presented the testimony of Mr. Samuel A. Sardinia, its Comptroller. Transit presented the testimony of Mr. William E. Bell, its Assistant Vice President, Research and Development; Mr. Gordon Phillips, its Associate General Counsel; Mr. John R. Sims, Jr., its Associate General Counsel, and Mr. Parker C. Peterman, its Vice President and Comptroller. W. V. & M. presented the testimony of Mr. S. A. DeStefano, its President.

Upon completion of the hearings, the Commission, in its Order No. 581 of March 25, 1966, ruled that the existing certificates of convenience and necessity of A. B. & W. and WMA authorized the proposed route extensions, and that it would be in the public interest to require such transportation.

The Commission denied Transit's petition for reconsideration of its March 25th order on May 6, 1966. Pursuant to Section 17(a) of Article XII of the Washington Metropolitan Area Transit Regulation Compact 74 Stat. 1031 (1960) (Compact), Transit filed a petition for review of Order Nos. 581 and 603 with this Court. On May 21, 1966, this Court denied Transit's motion for a stay of the effectiveness of the Commission's orders, and granted WMA Transit Company leave to intervene in this proceeding. Only Transit challenges the extension of service ordered by the Commission.

### SUMMARY OF ARGUMENT

There are two basic areas of controversy. First, whether the Commission properly construed the scope of the certificates of public convenience and necessity of A. B. & W. and WMA. Second, whether the Commission's finding that the public interest required the extension of service is supported by substantial evidence.

If the Commission's position is correct, then Questions II, III, and VI become moot. Therefore, this brief is addressed only to the two questions posed immediately above.

I. A. B. & W. and WMA were issued "grandfather" certificates of public convenience and necessity, Nos. 11 and 8, respectively, which are set forth in Exhibits 2 (JA \_\_) and 3 (JA \_\_). Transit was also issued a "grandfather" certificate of public convenience and necessity (Exh. 12, JA \_\_) at the same time. The Commission construed the A. B. & W. and WMA certificates to authorize the service ordered to be performed in the orders complained of. In the construction of the scope of the certificates, the Commission looked to the actual language of the certificates themselves and the circumstances surrounding their issuance, which included the previous practice of the Interstate Commerce Commission (I.C.C.), the routing of for-hire transportation within the District of Columbia by the District of Columbia Public Service Commission

(P.S.C.) and prior procedures of both of those Commissions and this Commission as well. The scope of review is limited to the correctness of that construction and cannot extend to a modification of the certificates themselves, in that such action would be a collateral attack thereon which is expressly prohibited by case law and the Compact itself.

II. The evidence of the need for the service is substantial. The evidence presented by the staff clearly established that while the downtown, government-area population in the District of Columbia has maintained a consistent level, there has been a tremendous mid-town employee population explosion. The uncontradicted evidence is that the existing *interstate* service, established years ago, had to be revised and refined to provide the Virginia-Maryland suburban workers and dwellers with a more direct, one-ride service to this expanded population center. It will be shown that the operations of the A. B. & W. and WMA are not comparable to that of Transit, the former being interstate in nature and the latter being intrastate in nature. It will be further shown that much of Transit's testimony was discredited and was entitled to little consideration. The staff proposal was bottomed upon a survey made by the staff Engineering Department and such survey was both admissible as evidence and persuasive of the need for the extended service.



## ARGUMENT

## I

**The Commission Correctly Construed the Certificates  
of A. B. & W. and WMA by Holding That They  
Authorize the Route Extensions.**

The Commission found that WMA and A. B. & W. are authorized under the terms of their respective certificates of public convenience and necessity to render the service as extended. Order No. 581, p. 5 (JA \_\_\_\_).

The A. B. & W. Certificate No. 11 provides, in part, as follows:<sup>1</sup>

REGULAR ROUTES:

Passengers and their baggage . . . over regular routes.

Between Washington, D. C. and Virginia, between Washington, D. C., Maryland, and Virginia, serving all intermediate points; restricted however unless otherwise specifically provided, against the transportation of intrastate passengers in Virginia, Maryland, and the District of Columbia, as follows:

- No. 1 From Fort Belvoir, Virginia, over U. S. Highway No. 1 to junction Virginia Highway No. 617, thence over Virginia Highway No. 617 to junction Virginia Highway No. 350 (Shirley Memorial Highway), thence over Virginia Highway 350 to Washington, D. C., and return over the same route.

The WMA Certificate No. 8 provides, in part, as follows:<sup>2</sup>

REGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passengers.

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<sup>1</sup> Exhibit 2, JA

<sup>2</sup> Exhibit 3, JA

Between Washington, D. C., and points in Maryland; and between points in Maryland, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in the District of Columbia.

- No. 1 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland Route 4, 56th Avenue, Maryland Routes 214, 389, 704, Greenleaf Road, 82nd Avenue, Barlowe Road, Maryland Route 202, Prince Georges Avenue, Hawthorne Street, 73rd Avenue, Forest Road, 74th Avenue to Kent Village, and return over the same route.

The language of the certificates is clear. Both authorize regular route operations between Washington, D. C., and the suburban areas. The street routing within the city of Washington was not spelled out, such routing being simply a matter for local traffic regulation. This Commission does not designate street routings within any city or town within the Metropolitan District in certificates of public convenience and necessity, but does issue route authorizations formulated in conjunction with the local traffic-controlling agency. This practice is identical to that engaged in by its predecessor agencies, and followed by this Commission consistently since the issuance of the "grandfather" certificates. Transit's certificate was accordingly so written, and the Commission has, in conjunction with the District of Columbia Department of Highways, issued 37 route authorizations to Transit for re-routings in the District of Columbia in the period July 1, 1963 to March 31, 1965, some of which were related to route extensions within the District of Columbia. As late as August 17, 1966, Transit sought and received route authorization to extend one of its routes within the District of Columbia,<sup>3</sup> stating its "existing operating authority is a matter of record before the Commission, Public Convenience and Necessity Certificate No. 5 . . ." This

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<sup>3</sup> Route B-2, Application of D. C. Transit System, Inc., No. 585.

appears to evidence a continuing acquiescence in Commission procedure, at least insofar as Transit's authority is concerned.

In constructing the scope of these certificates, the Commission considered the circumstances surrounding their issuance.

Both certificates were granted upon the "grandfather" claims of the grantees. In the case of WMA, it had, before the creation of the WMATC, operated within the Prince George's County, Maryland, under authority granted to it by the Maryland Public Service Commission; it had operated within the District of Columbia, by virtue of authority granted by the District of Columbia Public Utilities Commission<sup>4</sup>; and it was engaged in interstate operation between points in Maryland and points in the District of Columbia, under certificates of public convenience and necessity granted by the Interstate Commerce Commission ("I.C.C."). In this latter franchise, as was its custom, the I.C.C.<sup>5</sup> specified the terminal service (i.e., between Maryland points, Washington, D. C.) and specified the roads in Maryland over which the service was to be operated, to the District of Columbia line. Treating the District of Columbia as a city, the I.C.C. did not specify the street routings or terminal locations. All of these pre-compact authorities, plus exempt operations, formed the basis for the WMA "grandfather" claim, and the resulting certificate issued by this Commission combined all of them into one document.

In the case of A. B. & W., the above described background is applicable, except that its operations are between Washington, D. C. and the Northern Virginia area, comprising Alexandria and parts of Arlington and Fairfax Counties. Its I.C.C. authority, similarly, provided for regular-route, common carrier service between Washington, D. C. and

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<sup>4</sup> Now the District of Columbia Public Service Commission.

<sup>5</sup> Exhibit 84, I.C.C. Certificate of Public Convenience and Necessity, No. M.C. 3677, dated February 24, 1954; JA

points in Virginia.<sup>6</sup> The "grandfather" certificate issued by the Commission encompassed all of A. B. & W.'s prior authority.

Transit was a similar recipient of a WMATC certificate, which was based on pre-Compact authority, namely, a franchise from the Congress to operate a mass transportation system within the District of Columbia and between points within the Metropolitan area, subject "to the rights to render service within the Washington Metropolitan Area possessed, at the time<sup>7</sup> this section takes effect, by other common carriers of passengers . . ."<sup>8</sup>, and certificates and permits issued by the I.C.C. and the Maryland Public Service Commission. It is readily discernible that the A. B. & W. and WMA authority antecedes Transit's franchise by several years,<sup>9</sup> and the authority granted by said franchise was subject to the rights contained in the certificates.

The I.C.C. certificates did not include any restrictions on the rights of the A. B. & W. and WMA to serve any area of Washington, D. C. in interstate transportation. They were, therefore, authorized to transport passengers in interstate transportation to any point in the District of Columbia, subject to local traffic and routing regulations imposed by the District of Columbia. The District of Columbia, through a Joint Board, composed of the Public Utilities Commission and the Commissioners of the District of Columbia,<sup>10</sup> had entered many directive orders of this nature, some of which are exhibits in this proceeding. These routing orders served the same function as this Commission's route

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<sup>6</sup> Exhibit 83, I.C.C. Certificate of Public Convenience and Necessity, No. M.C. 1800, dated August 7, 1951; JA

<sup>7</sup> July 24, 1956.

<sup>8</sup> D. C. Transit Franchise, Title I, Part 1, Section 1, P.L. 757.

<sup>9</sup> The certificates referred to herein are revised. A. B. & W. and WMA have been so engaged in interstate operations for many years preceding the dates on the revised certificates.

<sup>10</sup> D. C. Code 40-603(3), 1961 Ed.

authorization. See, for example, Exhibit 86, which is a compilation of orders <sup>11</sup> of the D. C. Public Utilities Commission dealing with rerouting, institution of new terminals, and establishment of fringe parking lots. It should be noted that apparently the D. C. Public Utilities Commission recognized that the carrier had the necessary certificate operating rights, as there is no mention of certificates of public convenience and necessity — the only criterion being the "public interest."

In 1955, the D. C. Public Utilities Commission had a proceeding before it in which similar issues were involved. WMA had requested an extension of a route within the District of Columbia. Transit's predecessor, Capital Transit, appeared in opposition, alleging that the change of route would make it competitive with Capital Transit's service, and that under the terms of Section 4 of the Merger Act (Section 44-201, D.C. Code, 1951) the Public Utilities Commission could not permit the extension in route without a finding that public convenience required the extension. The Public Utilities Commission held that a certificate of public convenience and necessity was not required under Section 4 of the Merger Act. <sup>12</sup> The language of that section is almost identical with that in the Franchise.

The Commission found that its general procedure of not designating specific street routings within a city in a certificate followed the normal procedure of the I.C.C. (Order No. 581, p. 7; JA \_\_\_\_). The I.C.C. practice — and the basis behind it — is revealed in two of its decisions, both of which were quoted at length by the Commission in its Order.

In *Hudson Bus Transportation Co., Inc., Passenger Service*, the I.C.C. refuted a claim that city streets must be designated by stating:

<sup>11</sup> Including: D. C. Public Utilities Commission Order No. 2377, dated September 9, 1942; Order No. 4224, dated October 7, 1955.

<sup>12</sup> Exhibit 87, Public Utilities Commission Order No. 4158, dated January 28, 1955.



To the contrary, in authorizing operation over a route traversed within municipalities or with the routes between adjoining municipalities, it has not been our general policy to specify or designate the streets over which operations may be conducted except in some few instances.

\* \* \*

But where the streets within a municipality have not been designated by us, and we have authorized operations over city streets, it seems clear that the carrier is authorized to operate over any city street within the municipality or between adjoining municipalities, and a review of the cases involving this question confirms this . . . <sup>13</sup>

In this case, the I.C.C. had authorized the Hudson service ". . . from West New York *over city streets* . . . to Keansburg, and return over the same route." Compare with this Commission's language:

"No. 1 From Washington, D. C. *over city streets* . . . to Kent Village, and return over the same route." (WMA Certificate No. 8; Exh. 3, p. 1, JA \_\_)

The I.C.C. then went on to say:

Moreover, it is to be noted that in authorizing the transportation of passengers between Manhattan and points in the so-called short haul, mass transportation area, city streets are not designated within Manhattan. If a carrier's certificate does not specify the city streets over which it may conduct operations, it seems obvious that it may conduct such operations, over any city street, otherwise it is doubtful whether changes in operations within Manhattan could be made subject only to the approval of the police department of the City of New York

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<sup>13</sup> 46 M.C.C. 377, at 383-84.

as is now true, in view of the certificate provisions of the act.

\* \* \*

Congress left to our discretion the manner in which regular routes should be described. 46 M.C.C. 377, 384-85.

In another proceeding before the I.C.C., A. B. & W. had requested authority to serve the Washington National Airport. At that time it held a certificate authorizing regular route operations between Washington, D. C. and Mt. Vernon, Virginia, serving all intermediate points. The I.C.C. pointed out that A. B. & W.'s existing authority accorded it the right to serve said airport. The I.C.C. then said:

Such operations would be no different, insofar as regulation under the act is concerned, from operations by applicant over the highways and streets of Alexandria, another intermediate point on the same route. Applicant's right to operate over *any* public highway or street within the municipal limits of Alexandria, subject to all lawful requirements of that city, could not well be questioned by anyone. *A. B. & W. Transit Company, Extension of Operation - Washington National Airport*, 30 M.C.C. 618, at 620.

The applicable I.C.C. law states:

"Any certificate issued under Section 306 or 307 of this title *shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, . . .*" 49 USCA 308(a). (Emphasis supplied.)

The applicable Compact law states:

"Any certificate issued by the Commission shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, . . . ." Article XII, Section 4(d)(1), Compact.

The legislative expressions are identical. Clearly, this Commission granted the same flexibility within the District of Columbia to A. B. & W. and WMA as had been granted to them by the I.C.C.

The traffic regulation of the routes of these carriers, formerly controlled by the District of Columbia Public Service Commission through issuance of "orders," has been transferred to the Transit Commission and is controlled by it through issuance of "route authorizations." Thus, both functions are combined into one agency. The agency controls operating authority through its certificates and traffic routing through route authorizations. This procedure has not been unknown to Transit. It was a party in all the informal and formal proceedings on every grandfather application.<sup>14</sup> It has been the recipient of this procedure for years. As the District of Columbia Public Service Commission could change such routings "in the public interest"<sup>15</sup>, it follows that the Commission is not without similar power.

Construction of the scope of a certificate of public convenience and necessity as issued by the Commission is within the province of the Commission and may not be overturned unless capricious, arbitrary or clearly erroneous. *Kroblin Refrigerated Express, Inc. v. United States*, D.C. Iowa 1961, 197 F. Supp. 39; *Bind Trucking Co. v. United States*, D.C. Wisc. 1955, 159 F. Supp. 717; *Andrew G. Nelson, Inc. v. United States*, 355 U.S. 554, 558.

"That the Commission is the final interpreter of its own orders is no longer debatable. *Nelson, Inc. v. United States*, 355 U.S. 554, 557-558 (1958)." *D. C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission*, \_\_\_ F.2d \_\_\_ (4th Cir., No. 10503, decided Sept. 14, 1966).

<sup>14</sup> Exh. 88, p. 2 of Conference Report.

<sup>15</sup> Exh. 86: D. C. PUC Order No. 2377, p. 1, Sept. 9, 1942; Order No. 3297, p. 1, Dec. 31, 1947; Order No. 3198, p. 1, May 6, 1947.

It is submitted that rather than being clearly erroneous or arbitrary the Commission's interpretation is patently correct.

One argument of Transit remains. Conceding, *sub silentio*, that the A. B. & W. and WMA certificates purport to grant the right to provide *interstate* service to any point in the city, Transit claims that the certificates should not have contained such authority because the carriers were entitled only to the right to conduct such operations as they were actually engaged in on the effective date of the Compact, and were not actually so engaged. In short, Transit seeks a reformation of the certificates.<sup>16</sup> Thus, Transit seeks to mount a belated and circuitous attack on an error allegedly committed by the Commission in orders (granting the grandfather authority of A. B. & W. and WMA) which are not even before this Court for review. Patently, Transit's position is a collateral attack upon the orders issuing the certificates. Such an attack is barred by elementary principles of law. *Nelson v. United States*, *supra*; *Callahan Road Improvement Co. v. United States et al.*, 345 U.S. 507, 73 S.Ct. 803, 97 L. ed. 1206 (1953), *rehearing den.*, 345 U.S. 978, 73 S.Ct. 119, 97 L. ed. 1392 (1953); *Interstate Commerce Commission v. G. & M. Motor Transfer Co., Inc.*, 64 F. Supp. 302 (D.C. W.D. N.C. 1945); *Interstate Commerce Commission v. Consolidated Freightways, Inc.*, 41 F. Supp. 651 (D.C. N.D. 1941).

"Thus, this is an impermissible attempt to attack the original order collaterally. If its validity is to be questioned, it can be accomplished only by reopening the proceeding where in such order issued. *Nelson, Inc. v. United States*, *supra*, 355 U.S. 554, 561-562." *D. C. Transit v. WMATC*, *supra*.

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<sup>16</sup> Obviously recognizing that the law prohibits a collateral attack on the certificates directly, Transit seeks to have the Extension Order under review "voided" because of "invalid" certificates.

## II

**The Commission's Finding of Need for the Extension  
Is Supported by Substantial Evidence.**

The Commission found that "the public interest will be served if A. B. & W. and WMA are required to extend their routes so as to provide bus service to the 18th and L Streets area of Washington, D. C." Order No. 581, p. 13.

"The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive." Article XII, Section 17(a), Compact.

At the hearing, the evidence of the staff revealed that A. B. & W. and WMA operated regular route, interstate service between the District of Columbia and its suburban environs; A. B. & W. serving the northern Virginia areas of Arlington and Fairfax Counties, and the City of Alexandria, and WMA serving the southern portion of Prince George's County, Maryland. The A. B. & W. service terminated at 12th Street and Pennsylvania Avenue and the WMA service terminated at 11th Street and Pennsylvania Avenue. The evidence revealed that on March 22, 1965, during the morning peak hour period, between approximately 6:00 a.m. and 9:30 a.m., approximately 12,500 postal card questionnaires were distributed, 11,000 to A. B. & W. patrons, and 1500 to WMA patrons, traveling toward Washington, D. C. Of the cards distributed, approximately 6,000 were returned. Some of these could not be used because they were illegible, ambiguous, blank, etc. A total of 5,166 cards were usable, 4,336 from the patrons of A. B. & W. and 830 from the patrons of WMA.

The survey card<sup>17</sup> posed three (3) questions for the bus rider to answer. Exhibit 1, Appendix I; JA \_\_\_\_.

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<sup>17</sup> The admissibility of the survey into evidence will be discussed infra, pp. \_\_\_\_.



The destinations expressed on the cards were analyzed by the Chief Engineer of the Commission. It was his view that a patron who could ride a bus to within three (3) blocks of his ultimate destination without transferring to another vehicle was being served conveniently and adequately. Conversely, it was considered that if a through route would not take him within three (3) blocks (approximately 1/4 mile) of his downtown destination, inconvenient and inadequate service was being provided.

Based on the survey, Mr. Overhouse concluded that 39% of the A. B. & W. passengers who ride on a normal week day during the a.m. commute period and who responded to the survey were not being adequately served, and, likewise, 52.5% of the patrons of the WMA sample were not being served adequately. The witness further concluded that the extensions proposed would reduce the A. B. & W. percentage to 13.4% and the WMA percentage to 15.5%. The Commission's Engineer felt that the major service problem disclosed by this survey was located to the northwest of the present terminals of A. B. & W. and WMA, and that the round trip extensions of 2.15 miles of A. B. & W. lines and 2.80 miles of WMA lines would serve, at the absolute minimum, an additional 1,400 of these companies present daily peak commute-period passengers at a satisfactory level.

The staff adduced the certificates of A. B. & W. (Exh. 2) and WMA (Exh. 3) and its principle witness contended that the language thereof authorized those carriers to render the extension service. (Tr. 19, 20, 21, 25, 26)

Mr. Paul Foreman testified that since 1962 there had been a tremendous increase in the number of federal employees located in the mid-town, 18th and L Streets area, and concluded the proposed extension was needed. He also stated that in addition to benefitting existing riders, the proposed extension would attract those now using other modes of transportation.

Mr. William Heath stated that in 1955 the employee population in the area of 18th and L Streets, N. W. was approximately 26,000. By 1965, he stated, the employee population in this area had increased to approximately 45,000, or an increase of about 70%. He further stated that when buildings under construction were completed and occupied, the employee population in that area would have approximately 56,000 employees or a gain of over 100% since 1955.

Mr. Daniel Hansen testified that his department had reviewed the staff proposal and had conducted a number of field studies in relation thereto, including personal interviews, pedestrian counts and traffic studies. Mr. Hansen testified that in his opinion the proposed extensions of bus service would encourage people to use public transportation and thereby reduce the number of private passenger cars that entered the District of Columbia daily, solely for the purpose of bringing commuters to work in the morning and returning them home in the evening.

Mr. Edwin Kesler testified that his wife formerly worked in the area to be served by the proposed extension and described her traveling patterns. His testimony corroborated Mr. Hansen's conclusions.

The witnesses of A. B. & W. and WMA each agreed that their present certificates authorize the route extensions. WMA indicated that it was willing to render the proposed service and tendered a definite scheme of operations which it felt would be feasible and profitable. WMA witness Sardinia gave testimony that the extension would provide better service for present riders and would attract additional riders from that group now riding in automobiles. A. B. & W. witness Lawson's testimony was directed toward the economic feasibility of the proposed transportation and he objected that the extension could not be operated profitably at existing fares.

Transit's witness Bell testified that in his opinion the present serv-

ice was adequate. He further stated that all of Transit's passengers interlined with A. B. & W. and WMA were destined to or from the 18th and L area and consequently the extension would cause Transit to lose all of its interline passengers, from which Transit receives approximately \$600,000 a year in revenues. Mr. Bell also stated that there would not be an attendant reduction in expenses because Transit's present schedules would have to be maintained. The witness stated that, in his opinion, all of the lines of A. B. & W. would have to be extended, resulting in the termination of its existing terminal and an inconvenience to passengers served by that terminal, thereby converting their service to an inadequate status.

Mr. Overhouse stated on rebuttal that, contrary to Mr. Bell's opinion, all buses would not be re-routed and the existing terminal would remain.<sup>18</sup> (Tr. 642-43, 649-50.) He declared that the concept of serving two population centers was not new, pointing out that the extension service would enable the carriers to provide service analogous to that rendered by W. V. & M. (an intervenor-protestant, in which Transit owns controlling interest). (Tr. 643-649.)

Mr. Overhouse refuted Transit's testimony that it would lose all of its interline passengers and revenue, stating that not all of the interline passengers are destined to "Area 1" (the area of 18th and L Streets, as designated on Exhs. 15 and 81 and referred to frequently in testimony). He noted, as an example, that a check of the A. B. & W. service from the Pentagon revealed 1,212 passengers departed there for the District of Columbia in a 2-1/2 hour period. He stated that, in his opinion, very few of these passengers were destined to Area 1, because it

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<sup>18</sup> On June 13, 1966, A. B. & W. instituted its extension service. Originally only buses on three lines were extended. Subsequently, two additional routes were extended. Some of the service on these five lines continue to serve the original 12th Street terminal. Eight interstate routes continue to solely serve the 12th Street terminal.

is basically a business district, rather than a residential area. (Tr. 654-55.)

Unlike Mr. Overhouse, Mr. Bell did not produce any details to substantiate his opinion that all Transit interline passengers originated in or were destined to Area 1. The Commission declined to accept the Bell testimony, stating that "Such a supposition is not only contrary to the record, but is invalid on its face."<sup>19</sup> Order No. 581, p. 12.

Mr. Overhouse distinguished the service performed by A. B. & W. and WMA and that performed by Transit, stating that the former's service was interstate and the latter was intrastate; he characterized the former as parallel to but non-competitive with the latter. (Tr. 647.)

Mr. Sardinia testified that the new service would generate new passengers and enable WMA to operate the extension at a profit (Tr. 579-581); that his company operated at a profit for the fiscal year ending June 30, 1965 (Tr. 588); and that WMA had the equipment and the financial ability to adequately extend its service (Tr. 634). Mr. Sardinia developed the scope of the service it would initiate if required by the Commission to extend its routes.

Transit struggled to create the view that the inadequacy in service could be cured (1) by a better interline-transfer system between it and the respondent carriers or (2) by providing the one-ride service through extending its routes into the suburban areas. The sum total of its argument is a non sequitur. It argued that existing service was adequate, but quickly followed with an alternative to extending the routes of the suburban carriers, namely, let Transit extend its routes to the suburbs. This argument collapses of its own weight. The survey clearly substan-

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<sup>19</sup> In April, 1966, Transit carried 462,126 interline passengers. The WMA extension began May 23, 1966, and the A. B. & W. extension on June 13, 1966. In July, 1966, Transit carried 439,782 interline passengers. April and July monthly reports filed by Transit with the Commission.



tiates the opinion testimony of the staff witnesses that the existing service was inadequate to a large number of people already using the bus service and to an undetermined number who preferred their own non-transit form of transportation.

In relation to the suburban areas involved, Transit primarily provides service between points within the District of Columbia, while A. B. & W. and WMA primarily provide service between a point in the suburbs and a point in the District of Columbia. The Commission recognized the feasibility and practicality of extending the interstate service of A. B. & W. and WMA approximately 1 mile rather than create a new carrier service by extending Transit's service into the suburbs.

It is readily apparent that the Commission was presented conflicting testimony. Basically, it was required to choose between Mr. Overhouse's opinion that there was a sufficient number of people needing better service, i.e., a through ride in the same vehicle, to warrant an extension of service, and the opinion of Mr. Bell to the contrary. The Overhouse opinion was supported by the impartial and uncontradicted testimony of witnesses Foreman, Heath, Hansen, and Kesler. Of the carriers most directly affected, WMA's evidence supports the staff's proposal.

Lastly is the question of the admissibility of the survey cards.

Why was the summary made?

The first determination was whether WMA and A. B. & W. transported their passengers direct to the District of Columbia's major commercial and governmental centers (Tr. 12). The purpose of the survey was to determine the destinations of these inbound passengers (Tr. 13). Why was a survey made of inbound passengers only? Well, as I have indicated previously, we wanted to determine whether these passengers were being transported direct to their des-



tinations in the District of Columbia. One way of making this determination was by making a survey of inbound passengers (Tr. 16).

How was the survey made?

Each of the two carriers was given a sufficient number of cards so that each passenger could receive one. On March 22, 1965, during the morning peak period, between approximately 6:00 a.m. and 9:30 a.m., the drivers of both WMA Transit Company and A. B. & W. Transit Company distributed to their inbound patrons approximately 12,500 postal card questionnaires. A sample of the questionnaire is shown in Appendix I of the report. Approximately 6,000 of these cards were returned. However, some could not be used because they were illegible, ambiguous, or blank, and were not utilized (Tr. 12).

The number of cards given to each driver was determined by the carrier's operational manager, and the actual distribution was supervised by the carrier. (Tr. 51) Transit's claim that no representative of the staff personally was present invalidates the survey is ridiculous. If Transit wanted to challenge the accuracy of the distribution, questions could have been put directly to the individuals responsible, Mr. Lawson of A. B. & W. and Mr. Sardinia of WMA, while they were on the witness stand. Significantly not one question of this nature was put to these witnesses nor Mr. Overhouse by Transit. And there is no evidence in the record that each passenger did not receive a card or that he received more than one card.

On page 32 of its Brief, Transit begins one of its statements with the claim that "Because the post cards did not include any question as to the point of origin of the passenger's journey. . ." The first question on the card asked for the rider to give the nearest intersection to his home. How close to the origin of his journey can you get?

The question has been stated: was the existing service adequate? The answer lay in the passengers' destinations. The survey card was the only feasible and practical way to get the answer. The survey card was "a simple origin-destination questionnaire." (Tr. 13) The questions did not call for opinions. Cross-examination would not change or modify the answers. The historical role of the hearsay rule — and exceptions thereto — is to provide for the trustworthiness of and the necessity for the evidence. Evidence is trustworthy if it is "the kind of evidence on which responsible persons are accustomed to rely in serious affairs."<sup>20</sup>

The I.C.C. has said:<sup>21</sup>

Objections were made by each affiant to certain statements made by the other on the ground they are hearsay. The statements in question were predicated in part on information obtained from surveys conducted by each, the underlying data being retained by him or from information secured through his official employment. We do not regard the testimony in either instance objectionable. Frequently the only method available to the parties for the acquisition of pertinent data is through the use of surveys. Knowledge acquired in the line of official duty or employment is not objectionable as based on hearsay. *Clark-Cutler-McDermott Company v. New York, N.H. & H.R. Co.*, 276 I.C.C. 450.

This type of survey is trustworthy for the reason that there is no sensible reason for the signators of the cards to falsify the information they gave. Then, too, O and D surveys are commonly relied upon by

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<sup>20</sup> Quoted from Judge Learned Hand in *NLRB v. Remington Rand*, 94 F.2d 862, 873 (2d Cir.), cert. den., 304 U.S. 576.

<sup>21</sup> *Investigation and Suspension Docket No. M-5056, Paper Wrappers, from St. Louis, Missouri to Louisville, Kentucky*, 63 M.C.C. 422, 424.

the transit industry to determine routings and extent of service. Transit recently spent \$25,000 for an almost identical survey of its passengers.

The survey was the only practical way to get the desired information, thereby proving the necessity for it. "Necessity exists where otherwise great practical inconvenience would be experienced in making the desired proof." *United States v. Aluminum Co. of America*, 35 F. Supp. 820 (S.D.N.Y. 1940), affirmed without reference to admission of evidence 148 F.2d 416 (2d Cir., 1945). The "otherwise" in this case would be the examination of 11,000 witnesses.

While the evidence may suggest debate, the Commission's finding is not reversible because of a lack of substantial evidence.

#### CONCLUSION

It has been amply demonstrated that the certificates of public convenience and necessity of A. B. & W. and WMA authorized the regular route service, as extended. The Commission's determination that it was in the public interest to require those carriers to perform the transportation it had authorized in the certificates was based on substantial evidence.

From the foregoing, it must be concluded that the orders of the Commission should be affirmed and the petition for review denied.

Respectfully submitted,

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*Counsel for Respondent*

Dated: September 19, 1966

**APPENDIX A**  
**STATUTES INVOLVED**

**I**

**49 USCA § 308**

(a) Any certificate issued under section 306 or 307 of this title shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which, the motor carrier is authorized to operate; and there shall, at the time of issuance and from time to time thereafter, be attached to the exercise of the privileges granted by the certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions, and limitations as to the extension of the route or routes of the carrier, and such terms and conditions as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the Commission under Section 304(a) (1) and (6) of this title: *Provided, however,* That no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require.

**II**

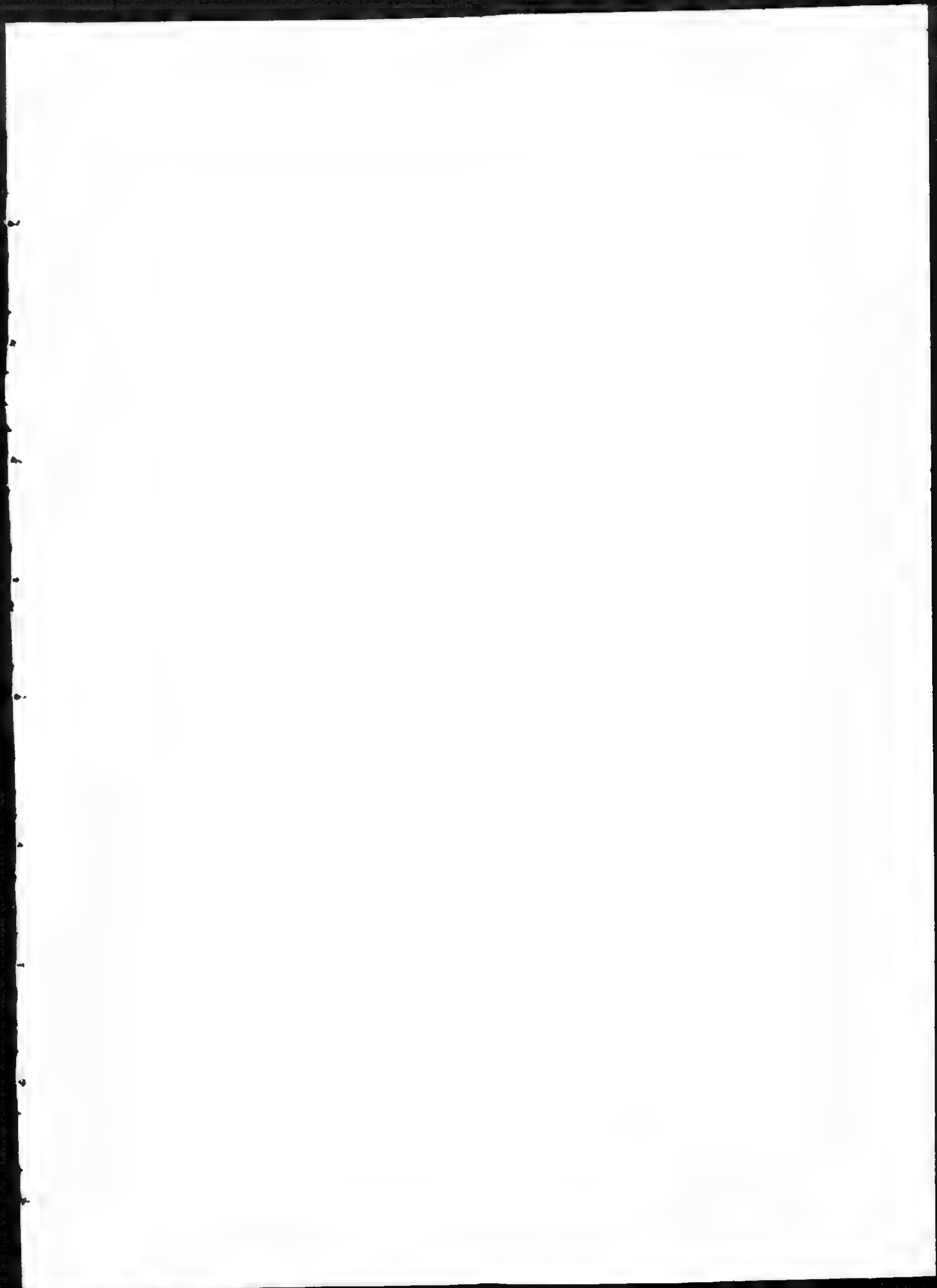
**44 D. C. Code (1951) 201**

No competitive street railway or bus line, that is, bus or railway line for the transportation of passengers of the character which runs over a given route on a fixed schedule, shall be established without the

App. 2

prior issuance of a certificate by the Public Utilities Commission of the District of Columbia to the effect that the competitive line is necessary for the convenience of the public. (Jan. 14, 1933, 47 Stat. 760, ch. 10, § 4.)





BRIEF FOR INTERVENOR

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**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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NO. 20,188

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D. C. TRANSIT SYSTEM, INC.,

*Petitioner,*

v.

WASHINGTON METROPOLITAN AREA  
TRANSIT COMMISSION,

*Respondent,*

W.M.A. TRANSIT COMPANY,

*Intervenor.*

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ON PETITION FOR REVIEW OF ORDERS OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

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United States Court of Appeals  
for the District of Columbia Circuit

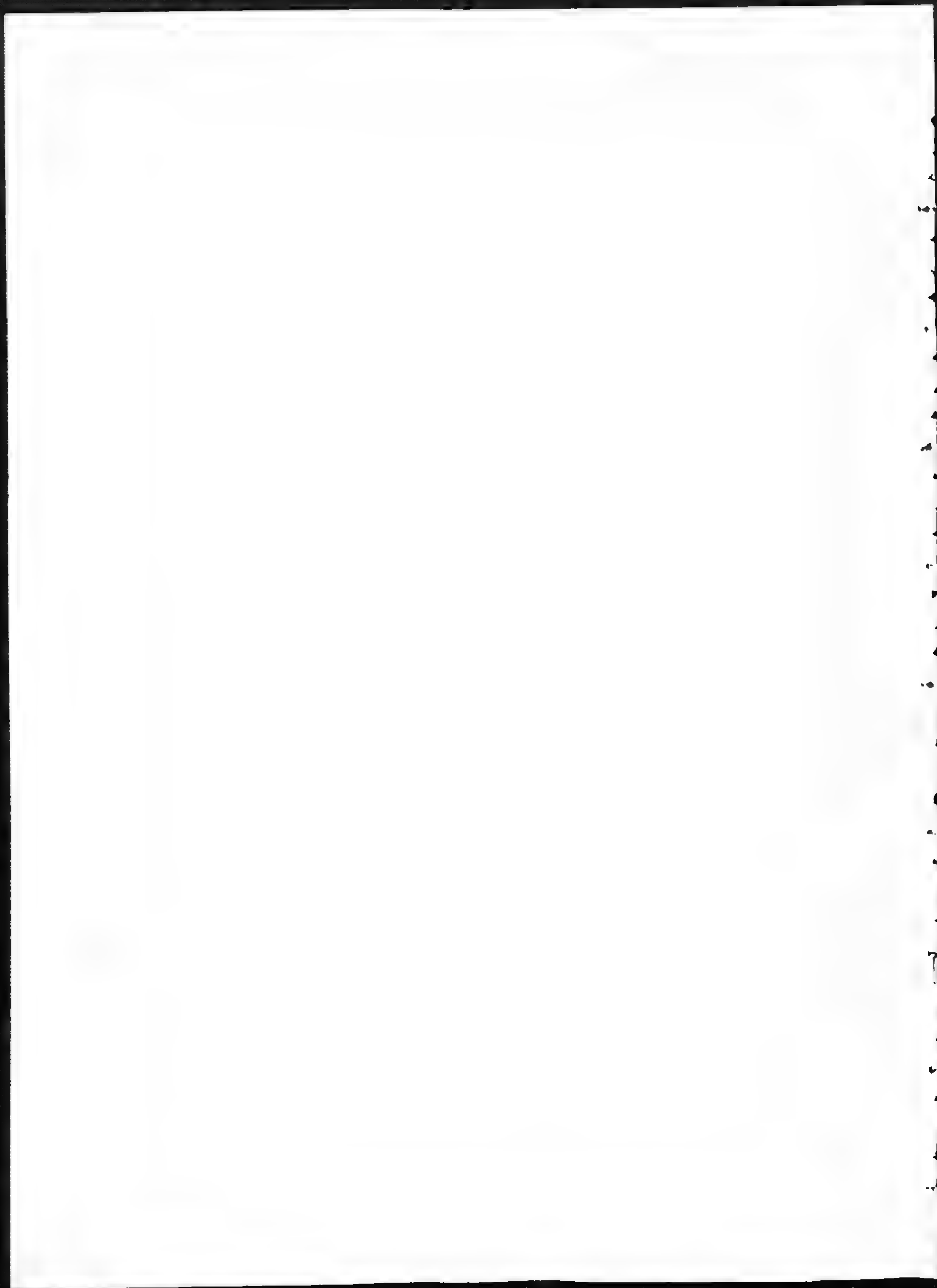
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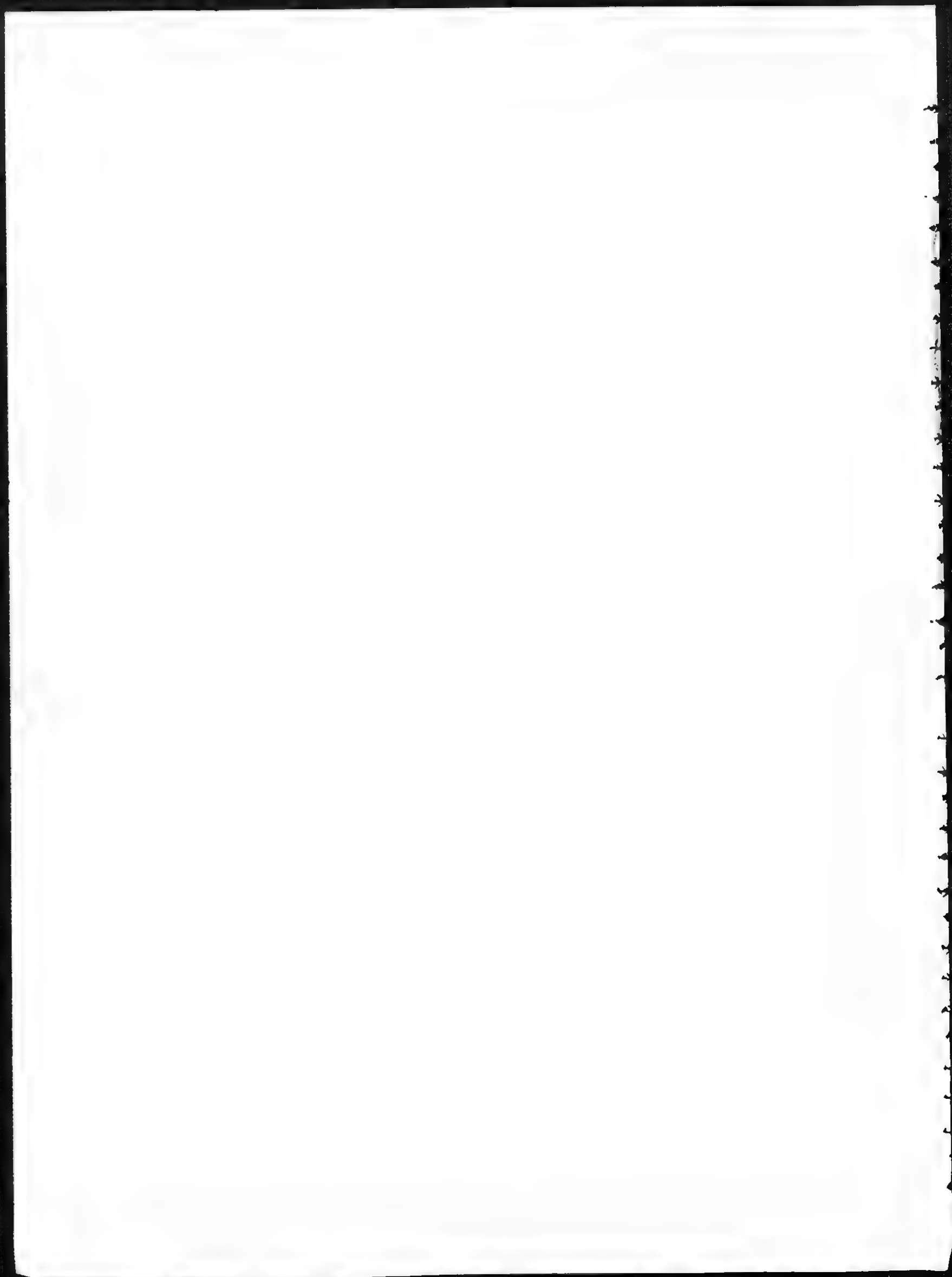
*Attorneys for Intervenor*



(i)

## QUESTIONS PRESENTED

Petitioner has correctly stated the questions presented.





(iii)

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# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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ON PETITION FOR REVIEW OF ORDERS OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

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## BRIEF FOR INTERVENOR

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### COUNTERSTATEMENT OF THE CASE

The "Statement of the Case" as contained in the Brief of Petitioner is essentially correct except for the statement which states: "Relying primarily upon the origin-destination SURVEY OF PATRONS ON A.B.&W. AND W.M.A., the Commission found that the public interest

would be served by such extension. . . ." In reaching its conclusions the Commission relied upon the testimony of numerous witnesses and other factors other than the origin-destination survey.

### SUMMARY OF ARGUMENT

1. The Commission properly ordered the additional service in question by way of a route extension.
2. Petitioner seeks at this late time to read into Intervenor's "Grandfather Rights" limitations which it should have questioned prior to the time said "Grandfather Rights" were incorporated into Certificate No. 8 issued to the Intervenor.
3. The findings of fact of the Respondent are supported by substantial evidence.
4. The findings of the Respondent are conclusive.

### ARGUMENT

#### I

**The Extension of Service Ordered by the Commission Is Within the Authority of the Certificate of Public Convenience and Necessity Now Held by W.M.A. Transit Company and Was Properly Accomplished by the Route Extensions Ordered by the Commission.**

The service of W.M.A. Transit Company is and always has been basically an interstate service provided for the transportation of passengers from Prince George's County, Maryland, to the District of Columbia. On its "Grandfather Certificate" No. 8 (Ex. 88), Intervenor's authorized service basically is that inbound it can pick up and discharge passengers only within Prince George's County, and once the District of Columbia is reached can discharge only; conversely, outbound the buses can pick

up only in the District of Columbia with no right to discharge passengers until the buses reach Maryland. Thus the operations within the District of Columbia are not to any material extent competitive to those of the Petitioner within the District of Columbia.

In its quest for improving the service rendered to its Prince George's County passengers, the Intervenor, and its predecessors, on at least two prior occasions have been confronted with the problem of extending its service farther into the heart of the District of Columbia.

In 1950 its Oxon Hill line terminated at South Capitol Street, S. E., and the Intervenor went before the Public Utilities Commission of the District of Columbia seeking an extension of service to 11th Street and Pennsylvania Avenue, N. W. The orders of the Respondent appealed from involve the same problems, merely authorizing route extensions from 11th Street and Pennsylvania Avenue, N. W., to the vicinity of 18th Street and L Street, N. W.

After a contested hearing the Public Utilities Commission of the District of Columbia, in Order No. 3682 issued on June 14, 1950 (Ex. 87), held as follows:

"Capital Transit contends that the proposed extension of the Oxon Hill service to the downtown terminal is competitive and cannot be established without a certificate by this Commission that the competitive line is necessary for the convenience of the public (Section 44-201, D.C. Code, 1940).

"Based upon the record in this proceeding, the Commission finds and concludes that the establishment of the proposed routes is in the public interest. *It is the opinion of the Commission that a certificate of convenience and necessity is not required*, under Section 4 of the Merger Act (Section 44-201, D.C. Code, 1940) for the extension of service on the Oxon Hill Line from the terminal at South Capitol Street, Southeast, to the exist-



ing terminal at 11th Street and Pennsylvania Avenue, Northwest." (Emphasis supplied)

Four years later Intervenor sought to extend its Bradbury Heights local bus line from 15th and Pennsylvania Avenue, Southeast to 11th and Pennsylvania Avenue, Northwest. By route extension, the Public Utilities Commission of the District of Columbia authorized the extension in Order No. 4135 issued on October 27, 1954 (Ex. 87) and held that no certificate of convenience and necessity was necessary. As set forth in the Order, Capital Transit Company, predecessor of the Petitioner herein, argued:

"that the change in route of W.M.A. would make it competitive with its established C Route and that under the terms of Section 4 of the Merger Act (Section 44-201, D.C. Code, 1951), this Commission cannot permit this extension in route without a finding that public convenience requires the extension."

The order of the Commission then went on to state:

"It is the opinion of the Commission that a certificate of convenience and necessity is not required under Section 4 of the Merger Act (Section 44-201, D.C. Code, 1951) for route extension of the Bradbury Heights Local Bus Line from 15th Street and Pennsylvania Avenue, Southeast, to the existing W.M.A. terminal at 11th Street and Pennsylvania Avenue, Northwest, or for change in the loop route of this line in the Bradbury Heights, D.C. area."

It should be noted that the foregoing extensions were granted from areas near the borders of the District of Columbia to downtown Washington, while the orders being attacked involve only an extension from one area of downtown Washington to another area of downtown Washington.

Petitioner argues (Petitioner's Brief, p. 8) that "the Commission ignores the fact, however, that ABW and WMA did not serve nor did they

have the right to serve the Route Extensions prior to the effective date of the Compact."

This point is effectively answered on pages 6, 7, 8 of the Respondent's Order No. 581 where it is stated:

"In not designating specific streets within the District of Columbia, this Commission clearly followed the procedure of the ICC. Years ago, the ICC adequately answered the charge similar to that raised by Transit herein. In refuting a claim that city streets must be designated, the ICC said:

To the contrary, in authorizing operation over a route traversed within municipalities or with the routes between adjoining municipalities, it has not been our general policy to specify or designate the streets over which operations may be conducted except in some few instances. In such instances, however, the streets have been specified or named in the authority granted and a carrier holding such authority of course may not operate within the municipalities authorized over streets other than those specified. For an example of where we have specified certain streets in the issuance of a certificate, see *Lincoln Tunnel Applications*, 12 M.C.C. 184. *But where the streets within a municipality have not been designated by us, and we have authorized operations over city streets, it seems clear that the carrier is authorized to operate over any city street within the municipality or between adjoining municipalities, and a review of the cases involving this question confirms this. . . .*

Moreover, it is to be noted that in authorizing the transportation of passengers between Manhattan and points in the so-called short haul, mass transportation area, city streets are not designated within Manhattan. *If a carrier's certificate does not specify the city streets over which it may conduct operations, it seems obvious that it may conduct such operations over any city streets, otherwise it is doubtful whether changes in operations within Manhattan could be made subject only to the approval of the police department of the City of New York as is now true, in view of the certificate provisions of the act. Hudson Bus Transportation Co., Inc., Passenger Service, 5 Fed. Car. Case 31, 197 (1946). (Emphasis supplied)*

In another proceeding before the ICC, A. B. & W. had requested authority to serve the Washington National Airport. At that time it held a certificate authorizing regular route operations between Washington, D.C. and Mt. Vernon, Virginia, serving all intermediate points. The ICC pointed out that A. B. & W.'s existing authority accorded it the right to serve said airport. The ICC then said:

Such operations would be no different, insofar as regulation under the act is concerned, from operations by applicant over the highways and streets of Alexandria, another intermediate point on the same route. Applicant's right to operate over *any* public highway or street within the municipal limits of Alexandria, subject to all lawful requirements of that city, could not well be questioned by anyone. *A.B.&W. Transit Company, Extension of Operation - Washington National Airport*, 30 M.C.C. 618, at page 620."

From the foregoing decisions of the Public Utilities Commission of the District of Columbia and of the Interstate Commerce Commission it is clear that while the Intervenor did not serve the Route Extensions at the time it received its Grandfather certification it had the *right* to serve the Route Extensions.

## II

**Petitioner Did Not Object to the Wording of the "Grandfather Rights" of A.B.&W. and W.M.A. When They Were Issued and Should at That Time Have Placed or Attempted To Place, in Said "Grandfather Rights" the Narrow Construction It Now Claims Are Binding on A.B.&W. and W.M.A.**

Admittedly (Brief of Petitioner, p. 29) the Petitioner was given an opportunity to object to the "Grandfather Rights" given to the Intervenor in its Certificate No. 8. Streets over which Petitioner operated were set forth in its own "Grandfather Rights" with meticulous particularity and if it was the thinking of the Petitioner that Intervenor was restricted to

certain streets in the District of Columbia, then that was the time for Petitioner to have raised the points which it now raises for the first time.

On page 29 of its Brief, Petitioner admits that it did not object to the issuance of the "Grandfather Rights" to A.B.&W. and W.M.A., "But only in the belief that the authority granted thereby was limited to the service rendered on March 22, 1961 . . ." However, the certificates do not so state. This reasoning is also difficult to follow in view of the jealous attitude demonstrated by the predecessor of Petitioner in the cases resulting in Orders No. 3682 and 4135 of the Public Utilities Commission of the District of Columbia issued in 1950 and 1954.

It is also difficult to understand why Petitioner had each and every street in the District of Columbia *and in Maryland* set out in great detail in its own "Grandfather Rights" and yet in the Certificates of A.B.&W. and W.M.A. consented to an itemization of the Maryland and Virginia routes, but not those in the District of Columbia.

Petitioner also knew, or should have known, of the Decision of the Interstate Commerce Commission (*supra*, p. 5) holding ". . . where streets within a municipality have not been designated by us, and we have authorized operation over city streets, it seems clear that the carrier is authorized to operate over any city street within the municipality."

It can only be concluded that, being aware of the ICC Decisions and being aware of PUC Orders, *supra*, from which no appeal was taken, Petitioner was reconciled to the rights of A.B.&W. and W.M.A. Transit, as determined by said opinions.

## III

**The Findings of the Commission That the Route  
Extension Is in the Public Interest Are  
Amplly Supported by the Record.**

Petitioner argues (Brief for Petitioner, page 25) that there is sufficient evidence in the record to support a finding that "Public Convenience and Necessity" require the Route Extensions.

In Order No. 581 the Commission devoted approximately six pages (8-13) of findings to substantiate its conclusions that the "Public Interest" required the Route Extensions. The Commission refers to the testimony of five (5) different witnesses, all of whom came to this same conclusion. The Commission found as a fact that "a substantial number of daily commuters will be greatly inconvenienced if the proposed Route Extensions are effectuated, since a *large segment of the Public will have a single ride in a single vehicle from origin to destination.*" (Order 581, p. 12) (Emphasis supplied)

In addition to the foregoing, the expert witness of the Petitioner, Mr. Bell had this to say: (Tr. p. 287-288)

"Now, I would like to state about W.M.A., W.M.A. comes from the east, heading west, and goes through Area 4 to get to Area 3, which is their present terminal. So that it can be reasonably assumed that *no-one is going to be inconvenienced* that is going to their present terminal if they go further west to 18th and L, because the buses are going to continue, I believe, right straight through the same route that they are presently taking.

"However, there are 272 passengers, or 29.8% of *those* who answered the survey that would be more conveniently served." (Emphasis supplied)

Thus, D. C. Transit System, Inc. by its own expert witness clearly placed into the record the fact that insofar as W.M.A. is concerned no-



one was going to be inconvenienced and 29.8% of those who answered the survey will be more conveniently served.

The authority principally relied upon by D. C. Transit <sup>1</sup> specifically refers to an additional convenience to a "relatively small portion of the Public" (52 M.C.C. at 769-70) and certainly should not be used as a precedent in a case where 29.8% will be more conveniently served.

#### IV

#### **The Findings of the Commission as to Facts Are Supported by Substantial Evidence and Are Conclusive**

Under the provisions of 17(a) of the Compact, Findings of Fact of the Commission — supported by substantial evidence — are conclusive. Throughout its Brief, Petitioner attacks the findings of the Commission. During the course of the hearing many controversial facts were adduced by the various parties and witnesses. It was for the Commission to determine the weight of the testimony. Every finding of fact by the Commission was amply supported by substantial evidence.

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<sup>1</sup> *E. Vanderhoff & Sons Extension*, 52 M.C.C. 755, 769 (1951).

CONCLUSION

For the foregoing reasons it is respectfully submitted that Orders No. 581 and 603 of the Washington Metropolitan Area Transit Commission should be approved.

Respectfully submitted,

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*Attorneys for Intervenor*

September , 1966

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20,188

D. C. TRANSIT SYSTEM, INC.,

Petitioner,

v.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION,

Respondent,

United States Court of Appeals  
for the District of Columbia Circuit

WMA TRANSIT COMPANY,

FILED MAR 22 1967

Intervenor.

*Nathan J. Paulson*  
CLERK

PETITION FOR REHEARING EN BANC

Comes now the respondent, Washington Metropolitan Area Transit Commission ("Commission"), pursuant to Rule 26 of this honorable Court, and respectfully files its petition for a rehearing en banc of the order of this Court entered March 7, 1967, in the above-styled proceeding, which order set aside Commission Order No. 581, issued March 25, 1966, for the following reasons:

FACTS OF THE CASE

On March 25, 1966, the Commission issued its Order No. 581, in which it directed the A. B. & W. Transit Company

("A. B. & W.") and the WMA Transit Company ("WMA") to extend their regular route service between Virginia and Maryland, on the one hand, and the District of Columbia on the other, in the District of Columbia.<sup>1/</sup>

The issuance of the Order followed extensive hearings. The proceeding was investigative in nature, based on a recommendation of the Commission's Staff, to determine whether (1) the two carriers had the requisite operating authority to render the service, and (2) there was a need for the service to be rendered. The Staff, WMA, and A. B. & W. contended that the certificates of public convenience and necessity of the two carriers did authorize the service. D. C. Transit System, Inc., ("D. C. Transit"), an intervenor in the proceeding, took a contrary view. The Staff and WMA also contended that the extended interstate service was needed. A. B. & W. opposed the proposal solely on the ground that the extended service was economically unfeasible. D. C.

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<sup>1/</sup> WMA performs some intra-District of Columbia regular route transportation, between points east of the Anacostia River, and points west of the Anacostia River. This service was in existence at the time of the issuance of the Franchise from Congress to D. C. Transit.

Transit objected on the grounds that it would be substantially injured financially, and that the provisions of Section 4(e) of the Compact had not been followed. It also raised an evidentiary issue, not discussed by the Court in its subsequent opinion.

In its Order, the Commission made numerous findings, including the following which are significant to the issues raised in this Petition for Rehearing:

1. The certificates of public convenience and necessity of A. B. & W. and WMA authorized the interstate transportation of persons in regular route operations between Washington, D. C. and its suburban environs of Virginia and Maryland;

2. The plain language of certificates placed no terminal restrictions on those carriers in the District of Columbia, and, therefore, the carriers were authorized to operate regular route interstate service to and from a terminal in the area of 18th and L Streets;

3. The proposed service would not have a substantial economic effect on D. C. Transit.

4. One of the basic purposes for the creation of this Commission was to provide for the improvement of mass transit



and alleviation of traffic congestion without regard to political boundaries, and the decision of the Commission helped to accomplish this basic purpose;

5. The proposed service is not competitive with D. C. Transit's service, the former being interstate in nature and the latter being intrastate in nature, but, even if the service were competitive, the certificates as written do authorize the extended service; and

6. The proposed transportation was in the public interest.

Based on these salient findings, the Commission directed WMA and A. B. & W. to extend their interstate mass transit service in the District of Columbia to a terminal area at 18th and L Streets, N. W.

On March 7, 1967, this Court entered its opinion and order, setting aside the Commission order on the grounds (1) that the certificates could not -- and do not purport to -- authorize the interstate regular route service beyond a terminal at 11th & 12th Streets and Pennsylvania Avenue, N. W., in the District of Columbia; (2) that prior to the Compact, A. B. & W. and WMA had no authority beyond these points; (3) that Section 4(e) was applicable and was not followed; (4) that the extensions are "competitive" with D. C. Transit's

service; and (5) that "there is no serious dispute here that the route extensions will have a substantial financial impact upon [D.C.] Transit."

The errors in the Court's ruling are spelled out in the following sections.

1. THE COURT, IN OVERTURNING THE COMMISSION, WENT BEYOND THE PLAIN LANGUAGE OF THE COMMISSION'S CERTIFICATES OF CONVENIENCE AND NECESSITY. IN SO DOING, THE COURT VIOLATED BASIC PRINCIPLES OF JUDICIAL REVIEW.

Normal principles of judicial review dictate that great weight must be given to a Commission's interpretation of its own rulings. Norwegian Nitrogen Products Co. v. U. S., 288 U. S. 294, 315 (1933). See also U. S. v. Atlantic Refining Co., 360 U. S. 19, 24 (1959); U. S. v. Zucca, 351 U. S. 91, 96 (1956); Mintz v. Baldwin, 289 U. S. 346, 351 (1933); Fawcus Machine Co. v. U. S., 282 U. S. 375, 378 (1931); Heath v. Wallace, 138 U. S. 573, 582 (1891); Hastings & D.R. Co. v. Whitney, 132 U. S. 357, 366 (1889); U. S. v. Johnston, 124 U. S. 236, 253 (1888), cases there cited. The requirements in this regard are even more stringent in the case of interpretations of certificates of convenience and necessity.

Commission rulings on such certificate can be overturned only if they are arbitrary, capricious or clearly erroneous.

Kroblin Refrigerated Express, Inc. v. United States, D. C.

Iowa 1961, 197 F. Supp. 39; Bind Trucking Co. v. United

States, D. C. Wisc. 1955, 159 F. Supp. 717; Andrew G. Nelson,

Inc. v. United States, 355 U. S. 554, 558. This principle

has been recognized in cases involving this very Commission.

"That the Commission is the final interpreter of its own

orders is no longer debatable. Nelson, Inc. v. United States,

355 U. S. 554, 557-558 (1958)." D. C. Transit System, Inc.

v. Washington Metropolitan Area Transit Commission, \_\_\_F. 2d\_\_\_

(4th Cir., No. 10,503, decided Sept. 14, 1966).

The Court neither states that the Commission's ruling was arbitrary, capricious, or clearly erroneous, nor spells out any theory why this might be the case. It appears, in fact, that the Court applied an improper standard in reviewing the Commission's order.

The propriety of the Commission's ruling must be tested by the language of the certificate. It is not proper to go behind that language in ruling upon its scope.

Thus, in the Nelson case, the Supreme Court considered the I.C.C.'s interpretation of a grandfather certificate

which that Commission had issued. The Court began its review of the Commission's ruling by stating:

In ascertaining that meaning, we are not given carte blanche; just as '[t]he precise delineation of an enterprise which seeks the protection of the grandfather clause has been reserved for the Commission'...., subsequent construction of the grandfather permit by the Commission is controlling on the courts unless clearly erroneous. 355 U. S. at 558. (Emphasis supplied)

The Court then dealt with the argument that it should look to the scope of the actual grandfather operation. It said:

If this be so, the remedy lies elsewhere; in the event the grandfather permit does not correctly reflect the scope of the grandfather operation, the carrier's recourse is to petition the Commission to reopen the grandfather proceedings for consideration of the evidence not previously brought to the Commission's attention. 355 U. S. at 561, 562.

In other words, the language of the certificate as issued was controlling and the Court would not go behind that language in reviewing the Commission's interpretation thereof.

Thus, neither the parties, the Commission or the Court had the right in this proceeding to go behind the certificate and question the Commission's right to issue it in the terms used.

Similarly in Sims Motor Transport Lines, Inc. v. U. S., 183F. Supp. 113 (N.D. Ill. 1959), a three judge court reviewing

and I.C.C. ruling on the scope of a certificate said:

. . .[I]f plaintiff believes that the scope of his certificate is too restrictive when considered against its background, his remedy is to petition the Commission to reopen the grandfather proceedings. Nelson v. United States, supra, at pages 561, 562. This proceeding is concerned only with the interpretation of the certificate as it now exists.

It is apparent that in the present proceedings, this Court failed to accord the Commission's ruling responsible review under the above-stated standards. Under those standards, the Court should have considered the language of the certificates.

The Commission, in its Order, set forth the pertinent portions of the A. B. & W. and WMA certificates. Order No. 581, p. 6. The WMA certificate, for example, authorizes regular route operations "[b]etween Washington, D. C., and points in Maryland; and between points in Maryland, serving all intermediate points; restricted, however, against the transportation of intrastate passengers in the District of Columbia."<sup>2/</sup> At this juncture, nothing on the face of the certificate would act as a limitation on the carriers to render interstate service from Maryland to the extended terminal at 18th and L Streets.

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<sup>2/</sup> WMA Certificate of Public Convenience and Necessity No. 8.



The certificate continued: "Route No. 1 From Washington, D. C. over city streets to Southern Avenue,<sup>3/</sup> thence over Business Route 4, . . ." Again, no language of limitation appears on the face of the certificate.

Moreover, the Commission is not alone in its reading of these certificates. The Commission compared the language of its certificates with the language of the carriers' Interstate Commerce Commission certificates, and found that in not designating specific streets within the District of Columbia, "this Commission clearly followed the procedure of the I.C.C." Order No. 581, p. 6. This Commission discussed I.C.C. cases interpreting their certificates, which revealed that ". . . where the streets within a municipality have not been designated by us, and we have authorized operations over city streets, it seems clear that the carrier is authorized to operate over any city street within the municipality. . ." Hudson Bus Transportation Co., Inc. Passenger Service, 5 Fed. Car. Cas.

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<sup>3/</sup> Southern Avenue marks the boundary between the District of Columbia and the State of Maryland.

31, 197 (1946). Also in A. B. & W. Transit Company Extension of Operation - Washington National Airport, the I.C.C. held: "Applicant's right to operate over any public highway or street within the municipal limits of Alexandria, subject to all lawful requirements of that city, could not well be questioned by anyone." 30 M.C.C. 618, at page 620.

Based on the language of its own certificates and the concurring interpretation by the I.C.C. of identical language in certificates issued by that commission, the Transit Commission found that it could ". . . only conclude that the certificates held by A. B. & W. and WMA already authorize the proposed service extensions." Order No. 581, p. 8. Nevertheless, this Court says that the certificates "do not purport to" authorize the proposed service. Significantly, and we feel improperly, the Court arrived at this conclusion without any analysis of the language of the certificates. Therefore, the Commission contends that this Court erred in failing to follow the principles of judicial review cited previously, which require that the rights of the carrier be determined by the language of the certificate and, further, that the Commission's interpretation of the language of the certificates

be sustained unless it is arbitrary or clearly erroneous. Here, the Commission's reading of the language was not only not arbitrary and capricious, it was the only reading which could possibly be made. The Court overturned that reading only by ignoring it and looking beyond this language.

2. THE COURT'S RULING ON THE SCOPE OF THE CERTIFICATE WAS BASED ON ITS VIEW OF THE ACTUAL "GRANDFATHER" OPERATION. IT WAS IMPROPER TO CONSIDER THAT OPERATION IN THIS PROCEEDING.

We have previously pointed out that the Court did not base its ruling as to the scope of the certificates on the language of those certificates. Rather, the Court resolved the question by an independent determination of the "grandfather" rights of the two carriers. Thus, the Court stated that the grandfather certificates "could cover no more" than transportation to 11th Street and Pennsylvania Avenue.

The Court then went on to state ". . . that A. B. & W. and WMA originally received the authority to traverse certain streets from the District line to the terminal points at 11th and 12th Streets and Pennsylvania Avenue. Prior to the Compact, they had no authority to extend their operations beyond these points." (Emphasis added) We point out to the

Court that such a finding could only be made upon a complete reconsideration of the grandfather application, because there is nothing in the certificates to support such a finding.

The validity of the "grandfather" orders granting the certificates was not directly assailed in the administrative proceeding and was not litigated before the Commission. Hence, it is not reviewable here, and it was error for the Court to do so. This is an impermissible attempt to attack the original orders collaterally. If their validity is to be questioned, it can be accomplished only by reopening the proceeding wherein such orders issued. Nelson, Inc. v. United States, supra, 355 U. S. 554, 561-562. D. C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission (4th Cir.) 366 F. 2d 542 (1966).

It would have been improper for the Commission, in the instant proceeding, to go behind the certificates and show that the A. B. & W. and WMA operating authorities prior to the Compact were different than those set out in their certificates, even if it could. In short, this would amount to a collateral attack upon the certificates, which is prohibited. Callahan Road Improvement Co. v. United States, 345 U. S.

507 (1953), rehearing den., 345 U. S. 978 (1953).. If the Commission is so estopped, the prohibition would extend to this Court.

Indeed, the law appears to be that one cannot go behind the certificate for any purpose unless an ambiguity appears. This Court has not disclosed an ambiguity in the certificates. In fact, the Court's opinion is devoid of any discussion of the language of the certificates whatsoever. Thus, the review accorded the Commission Order by this Court is in direct conflict with applicable principles of law laid down by the Supreme Court, and followed by other Courts of Appeal.

3. EVEN IF IT WERE PROPER TO GO BEHIND THE CERTIFICATE, THE COURT'S CONCLUSION AS TO THE SCOPE OF THE GRANDFATHER RIGHTS CANNOT BE SUSTAINED.

Assuming that, despite the clear rulings to the contrary in Nelson and the other cases cited in the preceding sections, the Court was justified in going beyond the plain language of the Commission's certificates, the Court's action was nonetheless wholly unjustifiable. The Court stated that the rights granted in the "grandfather" certificate must have been limited to Twelfth and Pennsylvania



Avenue, N. W. since this was the extent of actual -- rather than potential -- operations prior to issuance of the certificate. The Court said that the certificate could grant no more and purported to grant no more. The latter statement is patently inaccurate since, as previously discussed, the certificate certainly purported to grant substantially more than the limited right to operate to Twelfth and Pennsylvania Avenue, N. W. The statement that the Commission could grant no more is equally inaccurate.

In granting the broader rights found to exist in Order No. 581, the Commission was clearly within its powers. In Order No. 581, the Commission discussed the terms of the predecessor certificates. The Commission pointed out that those certificates included no restrictions on the rights of the carriers to serve any area of Washington, D. C. Order No. 581, p. 5. The Commission further pointed out that the authorities which had issued those certificates had ruled in various cases that route extensions within the city named in their certificate did not constitute a change in the certificate. Order No. 581, pp. 5-8. Thus, the Commission's discussion of the background of the certificates it issued reveals, prima facie, that the carriers were not

limited, under their predecessor certificates, to a terminal at Twelfth and Pennsylvania Avenue, N. W. Having pointed out these facts, the Commission held that the rights granted by its certificate included the right to the route extensions here in question. The Commission's ruling on this point is entitled to great weight and may be overturned only if it is arbitrary and capricious. See cases cited at pp. 5, 6 supra. The Commission's ruling was supported by a careful consideration of the predecessor certificates and rulings of the authorities which issued those certificates. The Commission's view can hardly be considered an arbitrary or capricious one. Nor is it clearly in error. Yet the Court casually casts it aside, without discussion, on the erroneous theory that the actual operations prior to issuance of the certificate are the limiting factor. This was an obvious violation of the principles applicable to judicial review.

4. THE COURT'S RULING WAS BASED ON A FACTUAL DETERMINATION DIRECTLY CONTRARY TO A COMMISSION FINDING WHICH WAS SUPPORTED BY SUBSTANTIAL EVIDENCE. THIS WAS A VIOLATION OF BASIC PRINCIPLES OF REVIEW.

The Court stated that "[t]here is no serious dispute here that the route extension ordered will have a substantial

financial impact upon Transit." This "finding" of the Court is completely contrary to the Commission's determination that "[i]t is the Commission's considered judgment that there will be no substantial economic effect upon D. C. Transit if the proposed transportation is performed." Order No. 581, p. 12.

The test on judicial review is, of course, whether the finding of the Commission is supported by substantial evidence on the record viewed as a whole; if it is, the finding is conclusive. Section 17(a), Article XII, Compact (74 Stat. 1046). It is not for the Court to strike down conclusions that are reasonably drawn from the evidence and findings. Its duty is to determine whether the evidence supporting the Commission's findings is substantial. Universal Camera Corp. v. National Labor Relations Board (1945), 340 U. S. 474. Consideration of the weight and value of the evidence and the inferences to be drawn therefrom are matters for the Commission alone. New England Divisions case, 261 U. S. 184, 204; I.C.C. v. Union Pacific R.R., 222 U. S. 541, 547.

The Commission's finding as to the impact on D. C. Transit is clearly supported by substantial evidence. The Commission conducted an extensive survey, described at pp. 8

et seq. of Order No. 581, in an attempt to determine, among other things, the impact of the proposed changes. That survey revealed that only 1413 out of the 5166 persons who presently ride the bus and who responded to the survey would use the extended service. Not all of those 1413 persons use interline tickets. Yet D. C. Transit's claim of substantial impact was based on the contention of its witness that D. C. Transit would lose all interline ticket sales. The Commission specifically rejected this contention. Order No. 581, p. 12. The contention is, first of all, unacceptable on its face. It presupposes that all interline ticket sales originate in or terminate in the 18th and L Street area. Yet, the D. C. Transit witness said he did not know how many interline passengers originate or terminate in that area, and another witness testified that thousands of riders use an interline ticket between the Pentagon and the District of Columbia. It was that witness' opinion that very few of these riders were destined to, or originate from, the 18th and L Streets area. Moreover, the D. C. Transit contention, was in the Commission's view, contradicted by the results of the survey discussed above. The Commission's rejection of D. C. Transit's contention clearly had support in the record.

In addition, the Commission, after hearing the testimony of experts of the large development of the employee population in the 18th and L Area, found that the extended service would draw car riders to the buses in such large numbers that "a substantial number of automobiles may be eliminated from the downtown area, which will be of direct economic benefit to D. C. Transit." Order No. 581, p. 12. See also the summary of testimony of witnesses Hansen and Kesler, at page 11 of the Order.

Thus, the substantial evidence rule appears to have been completely ignored by this Court. The Court has made a factual statement directly contrary to a Commission finding and has footnoted, in support thereof, a reference to testimony characterized by the Commission as based on a premise that "... is not only contrary to the record, but is invalid on its face." Order No. 581, p. 12. The Commission's factual determination is clearly supported by evidence of record-evidence which was discussed in Order No. 581. The Court has not even troubled to discuss whether the Commission's finding is supported by substantial evidence. It has merely pulled from the record testimony rejected by the Commission and has used it as the basis for a factual



assertion. Such action on review is contrary to the most fundamental principles of administrative law and should be overturned by the Court sitting en banc.

#### CONCLUSION

It would be difficult to conceive of a decision more detrimental to the basic objectives of the Commission's regulatory efforts than the Court's denial of the route extensions granted in Order No. 581. The Commission's action effected basic improvements in mass transportation in the Metropolitan area. It was designed to, and undoubtedly did, draw very substantial numbers of persons away from use of their automobiles and onto mass transit, thus contributing materially to alleviation of traffic conditions. It improved transit service significantly for a number of persons already using mass transit. Many, many basic personal decisions on such matters as where to live, where to work, and the purchase and sale of automobiles and homes have been made on the basis of the route extension. It is self-evident that abandonment of these extensions will mean hardship and inconvenience to substantial numbers of persons.

Of course, if the Commission was in error on matters of substance or procedure in granting the extensions, the

hardships engendered by the Court's decision are a matter of unavoidable necessity at this juncture. However, consideration of the record reveals that the Commission held extensive hearings and fully considered all aspects of its action. The foregoing discussion demonstrates that the Court's action on review of the Commission's Order applied the wrong standards on matters of law. Perhaps more seriously, it was based on a factual conclusion directly contrary to a Commission finding fully discussed in the Order and fully supported in the record. This is a matter which richly deserves the attention of the full Court. It would be tragic if the public were denied the basic improvements in mass transportation made possible by the Commission's action merely because the Court relied on testimony which the Commission, who heard the witness and evaluated the evidence in the light of other expertise, rejected.

It is submitted that the Court's decision is erroneous for the foregoing reasons, that this petition for rehearing en banc should be granted, and that Order No. 581 should be

affirmed and D. C. Transit's petition for review should  
be denied.

Respectfully submitted,

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Dated: March 22, 1967

United States Court of Appeals  
for the District of Columbia Circuit

UNITED STATES COURT OF APPEALS  
FOR THE  
DISTRICT OF COLUMBIA CIRCUIT

FILED APR 3 1967

*Nathan J. Paulson*  
CLERK

D. C. TRANSIT SYSTEM, INC., )  
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Petitioner, )  
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v. )  
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WASHINGTON METROPOLITAN AREA )  
TRANSIT COMMISSION, )  
 )  
Respondent, )  
 )  
W. M. A. TRANSIT COMPANY, )  
 )  
Intervenor. )

No. 20,188

ANSWER OF D. C. TRANSIT SYSTEM, INC.  
IN OPPOSITION TO THE PETITION OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT  
COMMISSION FOR REHEARING EN BANC

Comes now D. C. Transit System, Inc. ("Transit")  
in opposition to the Petition of the Washington Metropolitan  
Area Transit Commission ("Commission") for a Rehearing En  
Banc ("Petition") of the order of this Court entered March  
7, 1967, in the captioned proceeding, and respectfully sub-  
mits this answer in support of such opposition.

PRELIMINARY STATEMENT

This proceeding involves an appeal by Transit from  
Commission Order No. 581 directing Alexandria, Barcroft and

Washington Transit Company, Inc. ("ABW") and W. M. A. Transit Company ("WMA") to extend certain of their routes into areas already being served by, and over routes already being operated by, Transit without having made findings that public convenience and necessity require such extensions or otherwise complying with Section 4(e), Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact, Public Law 86-794, 74 Stat. 1031 (1960), 1 D.C. Code §§1410-16 (1961 ed.) ("Compact").<sup>1/</sup>

On March 7, 1967, a panel of this Court unanimously set aside Commission Order No. 581. On March 22, 1967, the Commission petitioned for a rehearing en banc.

#### STATEMENT OF THE CASE

On May 25, 1965, the Commission ordered a hearing upon the "propriety and reasonableness" of the extension of certain routes of ABW and WMA from their then terminals at 11th and 12th Streets and Pennsylvania Avenue, N.W., into areas already being served by, and over routes already being operated by, Transit ("Route Extensions").

Before the Commission, Transit opposed the extension of the ABW and WMA routes asserting, among other things, that:

- (1) Under their respective certificates of public convenience and necessity issued by the Commission, ABW

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<sup>1/</sup> All citations herein to the Compact are to Article XII, Title II, of the Compact.



and WMA did not have the authority to operate over such extensions to their respective routes; and

(2) The Commission could not order such extensions without complying with Section 4(e) of the Compact which required the Commission (a) to find that public convenience and necessity required such extensions and that Transit's service to the areas and over the routes to be served by such extensions was inadequate and (b) to afford Transit the opportunity to remedy any alleged inadequacy.

By Order No. 581, served March 25, 1966, the Commission found that service by ABW and WMA over the Route Extensions was in the public interest and authorized and directed ABW and WMA to extend their routes to render such service. In such order, the Commission held that the certificates of public convenience and necessity issued to ABW and WMA by the Commission pursuant to Section 4(a) of the Compact ("grandfather certificates") authorized such carriers to go anywhere in the District of Columbia that the Commission thought desirable<sup>2/</sup> and, therefore, the Commission determined that it was not required to comply with Section 4(e) of the Compact, the statutory authority

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<sup>2/</sup> The Commission's Staff witness testified that ABW and WMA have the authority under their grandfather certificates to provide service over every one of Transit's routes (JA 559).

for the Commission to require carriers to extend their services. Accordingly, the Commission (a) did not find that public convenience and necessity required the Route Extensions, (b) did not find that Transit's service over the routes and to the areas to be served by the Route Extensions was inadequate and (c) did not afford Transit the opportunity to remedy any alleged inadequacy.

The Commission also found that it was not required to comply with Section 3 of Transit's Congressional Franchise, Public Law 84-757, 70 Stat. 598 (1956) ("Franchise") which prohibited the establishment of service competitive to that of Transit unless such competitive service was necessary for the public convenience on the ground that the service to be rendered by ABW and WMA was interstate in nature and therefore not competitive with Transit's intra-District operations.

By Order No. 603, served May 6, 1966, the Commission denied Transit's application for reconsideration of Order No. 581. Thereafter, on May 18, 1966, Transit filed its petition to review Orders Nos. 581 and 603. In an opinion dated March 7, 1967, this Court set aside the Route Extensions ordered by the Commission.

### OPINION OF THE COURT

The Court set aside Commission Order No. 581 authorizing and directing ABW and WMA to serve the Route Extensions because the Commission had failed to act "in conformity with the statutory requirements and by reference to the statutory standards" ("Slip Opinion", p. 8). In so doing, the Court considered two separate issues and divided its opinion into two parts, each part considering and disposing of one of such issues.

In the first part of its opinion, the Court considered whether or not ABW and WMA had the authority under their respective grandfather certificates to extend their service in the District of Columbia beyond the terminals at 11th and 12th Streets and Pennsylvania Avenue, N.W. The Court found that on the effective date of the Compact ABW and WMA furnished transportation from Virginia and Maryland, respectively, to such terminals in the District and no further. Accordingly, the Court held that by statutory definition and on the basis of decisions of the Supreme Court of the United States and this Court, the grandfather certificates could authorize no service in the District of Columbia extending beyond such terminals, nor did they purport to (Id. at pp. 2-4).

In the second part of its opinion, the Court, having

found that ABW and WMA did not have the authority under their respective grandfather certificates to serve the Route Extensions, considered whether or not the Commission had the power to require them to extend their services over the Route Extensions without complying with Section 4(e) of the Compact. The Court found that the source of the Commission's power to require the extension of such service was set forth in Section 4(e) of the Compact and that service by ABW and WMA over the Route Extensions would be competitively adverse to Transit. On the bases of these findings, the Court held that the Commission could not extend the routes of ABW and WMA in the District of Columbia without complying with Section 4(e) of the Compact (Id. at pp. 4-8).

In so holding, the Court rejected the contention that the Commission was not required to comply with Section 4(e) of the Compact because it succeeded to the authority of its predecessor regulatory agencies, which, the Commission alleged, could have required ABW and WMA to extend their services without making the determinations required by Section 4(e). The Court ruled that the authority which the predecessor regulatory agencies might have exercised prior to the Franchise and the Compact is not the measure of the Commission's present authority (Id. at pp. 5-7).

THE COMMISSION PRESENTS NO GROUNDS  
FOR A REHEARING EN BANC

I

Standards for granting a rehearing  
en banc are not met

The Court resolved two very simple issues in its decision in this case. The first is that the grandfather certificates issued to ABW and WMA under Section 4(a) of the Compact granted authority for the actual, not potential service, provided by such carriers on the effective date of the Compact. The second is that the Commission, by failing to comply with Section 4(e) of the Compact in directing ABW and WMA to serve the Route Extensions, failed to comply with the law which is the source of its authority and by which it is bound.

Rehearings en banc are indicated when it would appear likely that all the active judges of a court of appeals would reach a different result than the panel which heard the case, or where the case is extraordinary in scale either because the amount involved is stupendous or because the issues are intricate enough to involve the pooled wisdom of the Circuit.

Western P. R. Corp. v. Western P. R. Co., 345 U.S. 247 (1953)  
(Frankfurter, J., concurring).

The Commission does not allege in its Petition that it would appear likely that all the active judges of this Court



would reach a different result or that the issues in this case are intricate. It is quite clear that the issues resolved in the Court's decision in this case do not meet the foregoing standards for granting rehearings en banc. The attempt by the Commission to put the onus on the Court for any inconvenience which may arise from the Court's decision that the Commission must act in accordance with statutory requirements and by reference to statutory standards does not justify a rehearing en banc.

Accordingly, the Commission's Petition does not present the necessary grounds for a rehearing en banc of the decision of the Court.

## II

### The Court is correct in its decision

- A. The Court's finding that the Commission failed to act in conformity with statutory standards and requirements is correct

The Court is correct in holding that the operating authority granted to ABW and WMA by the grandfather certificates is defined by Section 4(a) of the Compact pursuant to which such certificates were issued and that grandfather certificates are issued to permit only the continuation of

actual, and not potential, operations. The Court properly finds that neither ABW nor WMA provided service over the Route Extensions on the effective date of the Compact.

The Court is also correct in holding that the Route Extensions would be competitively adverse to Transit.<sup>3/</sup> Having found that the grandfather certificates did not authorize service by ABW and WMA over the Route Extensions, the Court is correct in holding that the Commission was required to comply with Section 4(e) of the Compact in ordering ABW and WMA to serve the Route Extensions.

The Commission did claim that it need not comply with Section 4(e) of the Compact because its predecessor regulatory agencies, the Interstate Commerce Commission ("ICC") and the Public Utilities Commission of the District of Columbia ("PUC") or the Joint Board of the District of Columbia consisting of the PUC and the District Commissioners ("Joint Board"), could have required ABW and WMA to serve the Route Extensions without

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<sup>3/</sup> The Commission does not deny that Transit will sustain a loss in revenues but does dispute the finding by the Court that the Route Extensions will have a substantial financial impact on Transit. The Commission's argument misconstrues the Court's opinion and Section 4(e) of the Compact under which the operative fact is the adverse effect of competition and not the amount of revenues lost. Oriole Motor Coach Co. v. Public Utils. Comm'n, 111 F.Supp. 621 (D. D.C. 1953) affirming D.C. Public Utils. Comm'n Order No. 3916, September 4, 1952; Capital Transit Company v. Riley E. Elgen, Civil Action No. 971, D. D.C., January 19, 1939; D.C. Public Utils. Comm'n Order No. 3682, June 14, 1950. See Transit Reply Brief, filed October 24, 1966, pp. 15-19.

making any findings of public convenience and necessity<sup>4/</sup> (Order No. 581, pp. 5-8, JA 8-12). The Court is correct in rejecting the Commission's claim and holding that the powers which the predecessor regulatory agencies of the Commission might have had prior to the Franchise and the effective date of the Compact are not the measure of the present power of the Commission.

Accordingly, there is no error which constitutes grounds for a rehearing en banc of the decision of the Court.

- B. The Court's finding that the Route Extensions would have an adverse financial impact on Transit is correct

The Court is correct in finding that service by ABW and WMA over the Route Extensions would have an adverse financial impact upon Transit. The Commission states in its Petition that such finding is error because it is contrary to the Commission's determination that it is the Commission's considered judgment that there will be no substantial economic effect upon Transit if service over the Route Extensions is ordered.

It is the fact of a potential loss and not the actual

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<sup>4/</sup> The predecessor agencies did not, in fact, have such authority. Oriole Motor Coach Co. v. Public Utils. Comm'n, supra; Capital Transit Company v. Riley E. Elgen, supra; D.C. Public Utils. Comm'n Order No. 3682, supra; D.C. Public Utils. Comm'n Order No. 3368, April 26, 1948. See Transit's Reply Brief, pp. 2-8.

amount of the projected loss which is material to the finding by the Court that Transit is entitled to the protection provided by Section 4(e) of the Compact because the Route Extensions would have a financial impact upon and be competitively adverse to Transit. See cases cited in footnote 3, p. 9, supra. In any event, the only evidence in the record before the Commission concerning losses which Transit might sustain from the present joint fare arrangements if ABW and WMA were ordered to serve the Route Extensions supports the Court's statement in footnote 6 to the opinion (JA 107, 554-55, 616-19, 621-22, 632, 635-36, 672-75. See Transit Main Brief filed August 23, 1966, pp. 27-29).

Accordingly, there is no error which constitutes grounds for a rehearing en banc of the finding by the Court that service by ABW and WMA over the Route Extensions would have a financial impact upon, and be competitively adverse to, Transit and that, therefore, the Commission, in ordering such service, must comply with the protective provisions of Section 4(e) of the Compact.

### III

The Commission is incorrect in arguing that the Court improperly considers the circumstances surrounding the issuance of the grandfather certificates

The Commission alleges in its Petition that the Court erred in giving consideration to matters beyond the plain language

of the grandfather certificates of ABW and WMA in determining the scope of the operating authority granted by such certificates. Assuming, arguendo, that the Court had considered matters beyond the plain language of the grandfather certificates issued to ABW and WMA, the Commission's Petition does not show any error which constitutes grounds for a rehearing en banc.

- A. The Commission's own construction of the grandfather certificates compelled the Court to consider the circumstances surrounding their issuance

The Commission in its decision concerning the scope of the operating authority granted by the grandfather certificates issued to ABW and WMA found it "necessary to consider the circumstances surrounding their issuance" (Commission Order No. 581, p. 3, JA 6).

The Commission, having considered matters beyond the plain language of the grandfather certificates issued to ABW and WMA in determining the scope of the operating authority granted thereby, cannot prevent this Court from doing likewise. It is clear that there can be no meaningful review of the validity of the Commission's construction of the grandfather certificates unless the Court considers the bases for such construction. The Commission, having deemed it necessary to consider "the circumstances surrounding" the issuance of



grandfather certificates, it was proper for the Court to consider the following circumstances:

(1) Section 4(a) of the Compact, the statutory authority for the issuance of the grandfather certificates to ABW and WMA, provides that grandfather certificates will be issued for transportation "bona fide engaged in" on the effective date of the Compact ("Slip Opinion", p. 3).

(2) It is well established law that "bona fide" engagement in transportation for the purpose of "grandfather clauses" similar to Section 4(a) of the Compact requires proof of actual, and not potential, operations (Id. at p. 4, n. 2).

(3) There is no reason to suppose that Congress read the Compact language of "bona fide engaged in transportation ... on the effective date of [the Compact]" in any manner contrary to the established law applicable thereto (Ibid.).

(4) Neither ABW nor WMA provided service over the Route Extensions or to the area served thereby on the effective date of the Compact (Id. at p. 4).

(5) The applications for grandfather certificates filed by ABW and WMA pursuant to Section 4(a) of the

Compact were for certificates "authorizing continuance of operations being conducted on the effective date of the Compact" (Id. at p. 3; JA 295).

(6) In issuing the grandfather certificates to ABW and WMA, the Commission considered only the operations "bona fide engaged in" on the effective date of the Compact ("Slip Opinion", pp. 2-4, JA 296).

A careful review of the Court's opinion shows that there is absolutely no basis for the further allegation by the Commission in the Petition that the decision of the Court constitutes a collateral attack upon the grandfather certificates. The Court does not review, or even consider, the validity of the grandfather certificates. The Court merely holds that the interpretation by the Commission of the grandfather certificates issued to ABW and WMA, subsequent to the issuance thereof, to authorize service not actually performed on the effective date of the Compact is inconsistent with applicable law<sup>5/</sup> ("Slip Opinion", pp. 2-4, 6-8). This holding does not constitute a

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<sup>5/</sup> The Court having found that the Commission's direction to ABW and WMA to serve the Route Extensions under its construction of their respective grandfather certificates failed to meet statutory standards and requirements, such construction is clearly erroneous and not controlling upon the Court. Nelson, Inc. v. United States, 355 U.S. 554, 558 (1958)

collateral attack upon the grandfather certificates.

Accordingly, even if the Court did consider "the circumstances surrounding" the issuance of the grandfather certificates of ABW and WMA, there is no error which constitutes grounds for a rehearing en banc of the decision of the Court.

- B. The Commission's assertion that it succeeded to powers of its predecessors compelled the Court to consider the scope of such powers
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A careful review of the Court's opinion shows that the Court's findings concerning operating authority prior to the effective date of the Compact are not for the purpose of determining the scope of such authority but only for the purpose of determining the regulatory power and practice in designating routes and termini in the District of Columbia then in effect (Id. at pp. 5-6).

The Court considers the practice of the predecessor regulatory agencies because the Commission asserted that it had succeeded to their jurisdiction and could, therefore, treat ABW and WMA as having the authority to go anywhere in the District on the ground that their grandfather certificates paralleled the language of those carriers' prior ICC certificates (Id. at pp. 5-7). The Court holds that the power and

practice of the predecessor regulatory agencies prior to the enactment of the Franchise and the Compact are not relevant in determining the scope of the Commission's power to grant operating authority (Id. at pp. 6-7).

In any event, the Commission's assertion that the ICC certificates authorized ABW and WMA to go anywhere in the District is in error. The Commission's claim that ICC certificates to serve "Washington, D. C." grant authority to serve any point or go over any route in the District has been rejected by the District Court for the District of Columbia and the PUC in determining issues identical to those raised by the Commission. See cases cited in footnote 4, p. 10, supra, and Transit Reply Brief, pp. 2-8. Clearly, the Court's view that under the regulatory practice in effect prior to the enactment of the Compact, ABW and WMA were subject to the authority and control of the Joint Board for the designation of street routings and termini is unrefuted. See also Capital Transit Co. v. Safeway Trails, Inc. 201 F.2d 708 (D.C. Cir. 1953).

Accordingly, there is no error which constitutes grounds for a rehearing en banc of the decision of the Court.

CONCLUSION

For the reasons stated above, it is respectfully submitted that the Petition for Rehearing En Banc be denied.

Respectfully submitted,

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April 3, 1967



UNITED STATES COURT OF APPEALS  
FOR THE  
DISTRICT OF COLUMBIA CIRCUIT

D. C. TRANSIT SYSTEM, INC., )  
 )  
 ) Petitioner, )  
 )  
 ) v. )  
 )  
 ) WASHINGTON METROPOLITAN AREA )  
 ) TRANSIT COMMISSION, )  
 )  
 ) Respondent, )  
 )  
 ) W. M. A. TRANSIT COMPANY, )  
 )  
 ) Intervenor. )

No. 20,188

CERTIFICATE OF SERVICE

A copy of the foregoing Answer has been served by mail upon Russell W. Cunningham, Esquire, General Counsel, Washington Metropolitan Area Transit Commission, 1815 North Fort Myer Drive, Arlington, Virginia, and upon Stanley Kamerow, Esquire, attorney for Intervenor, 1025 Vermont Avenue, N.W., Washington, D. C., this 3rd day of April, 1967.

Stanley M. Kamerow